The

Journal of the Assembly

OF THE

SIXTY-SEVENTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

1993

BEGUN ON MONDAY, THE EIGHTEENTH DAY OF JANUARY, AND ENDED ON FRIDAY, THE SECOND DAY OF JULY

VOLUME 1

THE FIRST DAY—THE ONE HUNDRED AND FORTY-THIRD DAY

SEE VOLUME 2 FOR INDEX

SPO, Carson City, Nevada, 1994



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ASSEMBLY LEGISLATIVE CALENDAR

(The Assembly actually met for a total of 111 days, though the session lasted through 166 calendar days; the table below is numbered by calendar days.)

Calendar Day	*Date*	*Page Number*
1	January 18, 1993	1
2	January 19, 1993	39
3	January 20, 1993	57
4	January 21, 1993	69
5	January 22, 1993	73
8	January 25, 1993	76
9	January 26, 1993	89
10	January 27, 1993	104
11	January 28, 1993	116
12	January 29, 1993	122
15	February 1, 1993	127
16	February 2, 1993	133
17	February 3, 1993	136
18	February 4, 1993	147
19	February 5, 1993	153
	(Two-Week Adjournment)	
36	February 22, 1993	160
37	February 23, 1993	179
38	February 24, 1993	191
39	February 25, 1993	198
40	February 26, 1993	203
43	March 1, 1993	212
44	March 2, 1993	225
45	March 3, 1993	237
46	March 4, 1993	242
47	March 5, 1993	254
50	March 8, 1993	258
51	March 9, 1993	267
52	March 10, 1993	275
57	March 15, 1993	283
58	March 16, 1993	296
59	March 17, 1993	311
60	March 18, 1993	318
61	March 19, 1993	325
64	March 22, 1993	333
65	March 23, 1993	341
66	March 24, 1993	353
67	March 25, 1993	367
68	March 26, 1993	376
71	March 29, 1993	383
72	March 30, 1993	394
73	March 31, 1993	403
74	April 1, 1993	415
75	April 2, 1993	424
78	April 5, 1993	429
79	April 6, 1993	440
80	April 7, 1993	450
81	April 8, 1993	461
82	April 9, 1993	472

Calendar Day	*Date*	*Page Number*
85	April 12, 1993	479
86	April 13, 1993	484
87	April 14, 1993	497
88	April 15, 1993	509
89	April 16, 1993	513
92	April 19, 1993	525
93	April 20, 1993	543
94	April 21, 1993	555
95	April 22, 1993	565
96	April 23, 1993	573
99	April 26, 1993	586
100	April 27, 1993	592
101	April 28, 1993	602
102	April 29, 1993	614
103	April 30, 1993	623
106	May 3, 1993	640
107	May 4, 1993	655
108	May 5, 1993	667
109	May 6, 1993	680
110	May 7, 1993	690
113	May 10, 1993	698
114	May 11, 1993	710
115	May 12, 1993	721
116	May 13, 1993	733
117	May 14, 1993	744
120	May 17, 1993	750
121	May 18, 1993	759
122	May 19, 1993	789
123	May 20, 1993	802
124	May 21, 1993	819
127	May 24, 1993	831
128	May 25, 1993	843
129	May 26, 1993	853
130	May 27, 1993	866
131	May 28, 1993	880
135	June 1, 1993	891
136	June 2, 1993	914
137	June 3, 1993	928
138	June 4, 1993	954
139	June 5, 1993	969
141	June 7, 1993	984
142	June 8, 1993	1003
143	June 9, 1993	1014
144	June 10, 1993	1067
145	June 11, 1993	1114
148	June 14, 1993	1131
149	June 15, 1993	1157
150	June 16, 1993	1175
151	June 17, 1993	1196
152	June 18, 1993	1384
153	June 19, 1993	1410
155	June 21, 1993	1430
156	June 22, 1993	1455
157	June 23, 1993	1487
158	June 24, 1993	1525
159	June 25, 1993	1573

Calendar Day	*Date*	*Page Number*
160	June 26, 1993	1600
161	June 27, 1993	1626
162	June 28, 1993	1674
163	June 29, 1993	1710
164	June 30, 1993	1798
165	July 1, 1993	1873
166	July 2, 1993	1954

LISTING OF ASSEMBLY BILLS AND ACTION THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

No. *Summary, Introducer and Page Reference*

1....Prohibits increase in assessed valuation of real or personal property of business when improvements are made to remove certain barriers for persons with disabilities. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Marvel. 21, 193, 200, 220,* 354, 374.

2....Revises certain requirements concerning marking of boundaries of lode mining claims. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel, Carpenter and Neighbors. 21, 147, 148, 150, 151,* 267, 281.

3....Expands authority of physicians' assistants, physicians and registered nurses to provide care in ambulance or air ambulance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel, Neighbors and Carpenter. 21, 513, 535, 558,* 759, 813, 827.

4....Makes various changes relating to lobbying. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Price, Myrna Williams, Neighbors, Collins, Spitler, Humke, Dini, Gibbons, Kenny, Chowning, Scherer, McGaughey, Porter, Ernaut, Heller, Bennett, Schneider, Augustine, Hettrick, Petrak, Bonaventura, Carpenter, Segerblom, Arberry, Marvel, Gregory, Giunchigliani, Wendell Williams, Lambert, Freeman, Regan, Bache, Smith, Perkins, Tiffany, de Braga, Evans, Anderson, Garner and Toomin. 21, 762, 785, 786, 787, 853, 867, 902,* 1908, 1910, 2016, 2019, 2037, 2047.

5....Requires consideration of offender's obligation to pay child support for purposes of presentence investigation and granting probation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 35, 94, 104, 124, 128,* 203, 221.

6....Establishes right of way of vehicles at intersections where certain traffic-control signals are inoperative. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 35, 94, 105, 124, 128,* 275, 302, 316.

7....Eliminates requirement that person be 60 years of age or older to be eligible to have public guardian appointed. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 35.

8....Requires, upon request, granting of leave of absence without pay for state employees to care for newborn or newly adopted children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 39, 394, 406, 427, 434,* 1627, 1650, 1708.

9....Revises provisions governing local governmental purchasing of commonly used items and perishable commodities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 40.

10....Abolishes state contractors' board. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 40.

11....Authorizes certain additional boards of trustees to request tax on residential construction. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 40, 573, 1157, 1177, 1385.

12....Makes various changes relating to contracts entered into by purchasing division of department of general services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 40, 147, 156, 184,* 440, 459.

13....Exempts automobiles used by investigators of securities division of office of secretary of state from requirements of being labeled as property of state and being furnished with distinguishing license plates. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 40, 116, 123, 129,* 297, 316.

14....Makes various changes concerning purchasing by local governments. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 41, 954, 971, 1010*.

15....Requires negotiations between local government and employee organization or individual employees to be open or public unless otherwise agreed by both parties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 41.

No. *Summary, Introducer and Page Reference*

16....Allows early retirement for firemen and police officers whose promotions or transfers are not within chain of command. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 41.

17....Changes composition of committee on benefits for programs for public employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 41.

18....Revises provisions regarding accounts for catastrophic leave. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 41, 283, 303, 304, 882, 902, 933,* 1600, 1672.

19....Makes various changes regarding public employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 42, 690, 701, 702, 1114, 1142, 1181,* 1600, 1672.

20....Increases amounts paid to certain public officers and employees as travel and subsistence allowances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 42, 394, 404, 1734, 1739, 1742, 1802,* 1805, 2016.

21....Increases amount of compensation paid to state employees to encourage continuity of service. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 42.

22....Allows certain state employees to choose form of compensation for overtime. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 42, 602, 620, 642.

23....Revises definition of collective bargaining for provisions governing relations between local governments and their employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 42.

24....Establishes certain conditions to factfinding in collective bargaining between police officers and firemen and their local government employers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 42.

25....Establishes criteria for determining recommendations and awards by factfinders in disputes between certain employees and their local government employers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 43.

26....Makes various changes relating to notaries public. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 43, 283, 304, 320,* 744, 757.

27....Makes various changes to charter of City of Reno. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 43, 1600, 1607, 1608, 1628, 1629,* 1908, 1911.

28....Authorizes certain local governments to collect fees for expenses incurred in responding to certain emergencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 43.

29....Provides exemption from fees charged by county recorder for notice of pendency of action in eminent domain filed by State of Nevada. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 43, 44, 116, 123, 133, 137, 150,* 151, 376, 390.

30....Increases annual salaries of elected county officers in Lander County. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 44.

31....Revises requirements for filing documents with county recorder. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 44, 750, 763, 810.

32....Allows counties to issue general obligation bonds for sewerage projects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 44, 147, 150, 151,* 354, 374.

33....Increases number of members on certain county fair and recreation boards. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 44, 831, 847, 861,* 1456, 1523.

34....Revises provisions concerning time in which notice of intention to become candidate for town board must be filed if proposal for town board form of government is submitted to electors for approval. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 44, 116, 123, 129,* 297, 316.

35....Revises provisions governing repossession of real property held for use and benefit of metropolitan police department. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 44, 45, 116, 123, 129,* 297, 316.

No. *Summary, Introducer and Page Reference*

36....Revises certain restrictions on sale, rental or lease of specified property at site of Las Vegas High School. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 45, 283, 304, 320*.

37....Allows adjustment of boundaries of county commissioner election districts to equalize population within districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 45.

38....Increases fees charged by county recorder for copies and abstracts of certificates of marriage. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 45, 237, 245, 256, 262*.

39....Makes various changes concerning county employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 45, 1430, 1437, 1457, 1458,* 1717, 1871.

40....Abolishes certain duties of county treasurer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 45, 237, 245, 256, 262,* 624, 653.

41....Clarifies provision relating to claims for reimbursement of constable for executing writ. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 46, 237, 245, 256, 262, 263,* 744, 757.

42....Revises provisions relating to collective bargaining between school districts and certain employee organizations. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 46.

43....Excludes certain additional sources of revenue from consideration of financial ability of local government in disputes between local government and its employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 46.

44....Authorizes board of county commissioners in certain counties to appoint county clerk to act as commissioner of civil marriages. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 46, 153, 172, 184,* 311, 321.

45....Revises provision concerning extent of knowledge natural parents may obtain concerning prospective adoptive parents. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 46, 147, 156, 184*.

46....Provides that witness is "unavailable" for purposes of hearsay statutes if he testifies to lack of memory concerning subject matter of his statement. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 46, 47.

47....Provides that driving while under influence of intoxicating liquor or controlled substance is punishable as felony if committed within 7 years after release from prison after serving any part of sentence imposed for certain offenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 47.

48....Extends period for perfection of purchase money security interest. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 47, 116, 124, 129,* 238, 253.

49....Requires judgments of conviction and imprisonment to include term of imprisonment and amount and terms of any fine, restitution or administrative assessment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 47, 163, 183, 193,* 395, 414.

50....Increases fees charged in civil actions to support legal services for indigent and elderly persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 47, 750, 764, 793, 812,* 984, 1012.

51....Clarifies fee on collection of credit instruments held by certain gaming licensees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 47, 116, 124, 129, 130,* 203, 221.

52....Imposes civil liability for value of certain stolen property and damage to certain property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 48, 153, 172, 193,* 395, 413, 421.

53....Increases penalties and time for prosecution of certain sexual offenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 48.

54....Requires written consent for release of certain information contained in state register for adoptions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 48, 104, 116, 124, 130,* 326, 339.

55....Makes various changes to provisions governing disbursement of administrative assessment for violation of misdemeanor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 48, 256, 261, 262, 379, 386,* 1410, 1454.

No. *Summary, Introducer and Page Reference*

56....Increases penalty, under certain circumstances, for failing or refusing to stop vehicle when signaled by peace officer. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 48, 153, 173, 194,* 1068, 1130.

57....Clarifies procedure for obtaining involuntary samples of blood from certain persons suspected of driving under influence of controlled substance or alcohol. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 49, 270, 277, 280, 302, 309,* 509, 523.

58....Expands aggravated circumstances under which death penalty may be imposed. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 49, 198, 206, 232,* 395, 414.

59....Revises definition of "robbery" to include theft in which force or fear is used as means of escape. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 49, 198, 206, 232,* 624, 696, 708.

60....Provides consequences of environmental impairment of real collateral. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 49, 383, 398, 419,* 624, 653.

61....Prohibits court-ordered psychiatric or psychological examination of victim or witness in prosecution for sexual assault or sexual abuse of child to assess credibility as witness. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 49.

62....Requires convicted person applying or petitioning to have his civil rights restored or criminal record sealed to submit certain information with application or petition. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 49, 198, 206, 220,* 326, 339.

63....Requires separate penalty hearing in all criminal cases which result in conviction of defendant for murder of first degree. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 50, 198, 206, 232,* 233, 789, 863, 878.

64....Provides for confidentiality of informer's identity during preliminary examination. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 50.

65....Allows testimony given before magistrate at hearing or examination to be admitted at trial if witness persistently refuses to testify despite order of judge to do so. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 50, 163, 183, 194,* 395, 414, 421.

66....Makes various changes relating to alternative methods of resolving disputes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 50, 750, 764, 810, 839, 861,* 1627, 1708.

67....Authorizes city or county to designate parking enforcement officers to prepare, sign and serve citations for violations of parking ordinances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 50, 163, 184, 194,* 440, 459.

68....Extends time in which action for damages for injury arising from sexual abuse of minor may be commenced. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 51, 198, 207, 208, 259, 271,* 450, 494, 543, 544, 569, 616, 686, 691, 719.

69....Requires courts to give precedence to certain cases involving sexual assault or in which victim or witness is a minor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 51.

70....Makes various changes regarding investment of estates by public administrator or public guardian. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 51, 127, 133, 137, 138*.

71....Revises provisions governing return of property retained as evidence. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 51, 259, 270, 292,* 293, 759, 796, 816.

72....Makes appropriation to Nevada Appellate and Postconviction Project, Inc. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Judiciary. 51.

73....Prohibits criminal neglect of patients in medical facilities. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 51, 52, 489, 498, 500, 690, 704,* 705, 1600, 1623, 1799, 1802, 1882, 2010.

74....Imposes additional penalty for criminal violation of certain provisions governing securities and commodities if victim is 65 years of age or older. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 52, 77, 97, 106,* 238, 253.

No. *Summary, Introducer and Page Reference*

75....Enhances penalty for certain crimes committed on school property if dangerous weapon is possessed during commission of crime. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 52, 147, 156, 184, 185,* 326, 339.

76....Creates administrative assessment to be used to help defray costs of extradition. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 52.

77....Revises provisions regarding loitering and vagrancy. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 52, 394, 406, 408, 812, 825, 849,* 1176, 1382.

78....Requires defendant in criminal proceedings to disclose potential defense witnesses upon motion by prosecutor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 52.

79....Restricts use of videotaped deposition at criminal trial. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 52, 53, 94, 105, 116, 150, 152,* 624, 695, 708.

80....Revises definition of value as it relates to eminent domain. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 53, 325, 334, 354,* 984, 1111, 1130.

81....Makes various changes relating to filing of criminal informations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 53, 237, 245, 263,* 440, 459.

82....Expands authority of district courts to issue orders for use of pen register or trap and trace device to include investigators for attorney general or district attorneys. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 53, 259, 270, 278,* 440, 459.

83....Defines "deadly weapon" for purpose of imposing additional penalty for use of such weapon in commission of crime. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 53.

84....Requires juveniles to be prosecuted as adults for any felony involving use of firearm. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 53.

85....Allows declaration made under penalty of perjury by person who withdraws sample of blood from another for analysis to be admitted in criminal or administrative proceeding to prove certain facts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 54, 163, 184, 194,* 440, 459.

86....Expands circumstances under which murderer is prohibited from succeeding to property of victim. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 54, 147, 157, 185,* 311, 321.

87....Increases fees for filing or providing certain commercial documents and provides for searches of certain records for name of secured party. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 54, 270, 278, 308,* 711, 795, 816.

88....Revises provisions governing parking or standing of emergency vehicles and official vehicles of regulatory agencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 54.

89....Revises criminal provisions relating to owning or keeping vicious dog. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 54, 394, 408, 411, 1674, 1700, 1701, 1711, 1712, 1713,* 1714, 1874.

90....Restricts employment of certain former public officers and employees of executive branch of government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Myrna Williams, Dini, Spitler, Evans, Marvel, Humke, Perkins, Chowning, Giunchigliani, Heller, Tiffany, Price, Hettrick, Ernaut, Garner, Freeman, Anderson, Arberry, Bonaventura, Regan, de Braga, Petrak, Smith, Collins, Wendell Williams, Neighbors, Segerblom, Porter, Bennett and Sader. 54, 55, 394, 411, 427, 434,* 2016, 2019.

91....Requires notice to named insured of purchase of or increase in life insurance coverage under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Myrna Williams, Dini, Spitler, Evans, Marvel, Humke, Chowning, Giunchigliani, Heller, Tiffany, Price, Hettrick, Ernaut, Garner, Anderson, Arberry, Bonaventura, Regan, de Braga, Perkins, Augustine, Petrak, Smith, Collins, Wendell Williams, Neighbors, Segerblom, Scherer, Porter, Bennett, Sader and Lambert. 55, 258, 270, 293,* 656, 678.

92....Provides that driving while under influence of intoxicating liquor or controlled substance is punishable as felony if committed within 7 years after release from prison after serving any part of sentence imposed for certain offenses. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Myrna Williams, Spitler, Evans, Marvel, Humke, Perkins, Chowning,

No. *Summary, Introducer and Page Reference*

Giunchigliani, Heller, Tiffany, Price, Hettrick, Ernaut, Garner, Anderson, Arberry, Regan, Augustine, Petrak, de Braga, Smith, Wendell Williams, Neighbors, Segerblom, Porter, Bennett and Lambert. 55, 153, 173, 194, 195*.

93....Clarifies provisions governing revenue to be deposited in fund for new construction of facilities for prison industries. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 60, 623, 650, 664,* 892, 927.

94....Revises provisions governing profitability of programs for employment of offenders. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 60, 623, 650, 674,* 802, 827.

95....Makes appropriation to department of education for distribution to public broadcasting stations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 60.

96....Repeals duplicate and obsolete provisions concerning funds maintained by school districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 60, 520, 536, 547, 548,* 892, 927.

97....Specifies amount to be paid by certain public employers for group insurance for public employees for next biennium. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 60.

98....Allows adjustment of apportionment for support of education of handicapped children less than 5 years of age. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 61.

99....Authorizes financial assistance to school district that adopts extended school year program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 61.

100....Extends time within which board of county commissioners may impose tax for enhancing safety and security of public schools within county school district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 61, 67, 68, 1430, 1437, 1439, 1457, 1458,* 1874.

101....Authorizes department of taxation to waive payment of interest on certain taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 61, 277, 289, 315,* 440, 459.

102....Revises duties of county treasurers regarding payment of property taxes. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 61, 1430, 1437, 1440, 1457, 1459,* 1874.

103....Authorizes counties to increase rate of tax imposed for public mass transportation and construction of public roads upon approval by registered voters of county. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 62, 335, 346, 399, 400, 419,* 1717, 1838, 2051.

104....Requires that candidate for nonpartisan office who receives majority of votes cast for office in primary election be declared elected. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 62.

105....Revises definition of "candidate" in statutes relating to ethics in government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 62, 403, 418, 434,* 435, 744, 757.

106....Allows high school pupils to act as trainees for position of election board officer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 62, 403, 418, 435,* 1068, 1126, 1155.

107....Makes appropriation to state fire marshal division for establishment of toll-free telephone line to provide information on regulations related to hazardous materials. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Natural Resources, Agriculture and Mining. 62.

108....Requires state agencies to develop and update plan for emergency management. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture and Mining. 62, 63.

109....Creates state center for emergency operations to receive reports of emergencies and maintain information relating to those emergencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture and Mining. 63, 751, 764, 765.

110....Creates committee to study designation of safe areas for transporters of hazardous materials. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Natural Resources, Agriculture and Mining. 63, 424, 430.

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111....Requires state fire marshal to adopt regulations establishing standards for training and education for required certification of firemen and persons who respond to incidents involving hazardous material. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture and Mining. 63.

112....Requires state fire marshal to study levels of training concerning hazardous materials that firemen in rural areas have received and propose alternative methods for additional training. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture and Mining. 63, 424, 430.

113....Requires state fire marshal to establish mobile training team to train volunteer firemen to respond to incidents involving hazardous materials. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture and Mining. 64, 424, 431, 976, 987,* 1431, 1486.

114....Requires department of motor vehicles and public safety to develop training program relating to hazardous materials. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture and Mining. 64, 237, 245, 246.

115....Protects certain persons and organizations from liability for damages in regulating and removing hazardous materials. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 64, 424, 431, 710, 728, 735, 740,* 1376, 1409.

116....Makes various changes regarding payment by regulated facilities of certain fees regarding hazardous materials. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 64, 616, 625, 664,* 1410, 1453, 1486.

117....Provides for coordination of regulatory activities relating to hazardous materials. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 65, 424, 432, 453,* 721, 741, 748.

118....Requires department of data processing to conduct study to improve management of information concerning hazardous materials. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 65, 929, 934, 936, 956.

119....Provides that person may offer free consultation to public agency regarding incidents involving hazardous materials without certification. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 65.

120....Limits authority of division of enforcement for industrial safety and health of department of industrial relations to adopt certain regulations relating to hazardous materials. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 65, 325, 326.

121....Requires testing for radon. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture and Mining. 66.

122....Expands costs for which money may be expended and recovered regarding response to accident involving hazardous material. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 66, 566, 575, 597,* 1410, 1421, 1454.

123....Provides for issuance of permits for transportation of radioactive waste by Nevada highway patrol division of department of motor vehicles and public safety with approval of public service commission of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 66, 424, 432, 453, 479, 482, 483,* 1410, 1420, 1454.

124....Authorizes director of the division of emergency management of the department of the military to facilitate development of a comprehensive, coordinated approach to emergency management. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 66, 616, 626, 664,* 1376, 1409.

125....Makes various changes relating to repository for information concerning hazardous materials in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 66, 325, 334, 347*.

126....Directs state fire marshal to develop reference guide for use by personnel responding to emergencies involving hazardous materials. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 66, 237, 246, 256, 263,* 565, 599, 612.

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127....Requires state emergency response commission under certain circumstances to develop informational programs regarding hazardous materials. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture and Mining. 66, 325, 334, 342.

128....Authorizes representative of local emergency planning committee to enter certain facilities if necessary to carry out duties of committee. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 66.

129....Requires allowance of reasonable time to correct first violation of state regulation regarding hazardous material before imposition of administrative fine or civil penalty. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 66.

130....Allows use of mobile units to inspect motor vehicles for compliance with standards for emissions. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 69.

131....Revises provisions relating to reporting information on certain cases of cancer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 70, 484, 500, 517,* 656, 678.

132....Increases amount that local air pollution control board may retain from administrative penalties. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 70, 424, 432, 453,* 656, 678.

133....Authorizes annexation of portion of unincorporated town by city under certain circumstances if annexation is approved by governing body of unincorporated town. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 70, 237, 246, 256, 263,* 440, 459.

134....Restricts access to certain information in personnel records of public employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 71.

135....Revises provisions regarding employment records. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 71, 819, 833, 860, 904, 906, 933*.

136....Revises provisions governing assessment of agricultural and open space land for property taxation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 71, 277, 289, 315,* 565, 677, 688.

137....Makes various changes concerning assessment of property for taxation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 71, 277, 290, 315,* 440, 459.

138....Revises provisions regarding speed limits in school zones and school crossing zones. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Bache, Evans, Collins, Price, Chowning, Toomin, Smith, Anderson, Freeman, Garner, Giunchigliani, Regan, Segerblom, Haller, Arberry, Bonaventura, Kenny, Wendell Williams and Schneider. 73, 394, 404, 429, 443, 462, 525, 547, 558, 560, 561,* 1711, 1794, 1908, 1909, 1952, 2016.

139....Makes appropriation to legislative fund for encapsulation of plenum areas in legislative building. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 74.

140....Makes appropriation to legislative fund for cost of equipping and operating legislative office in state office building in Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation Committee on Ways and Means. 74.

141....Prohibits resale or advertisement for sale of ticket to athletic event or entertainment at price in excess of original price of ticket. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Gibbons, Hettrick, Ernaut, Price, Heller, Arberry, Sader, Lambert, Gregory, Freeman, Chowning, Marvel, McGaughey, Petrak, Evans, Augustine, Schneider, Segerblom, Carpenter, Regan, Giunchigliani, Spitler, Neighbors, Garner, Bennett, Wendell Williams, Smith, Kenny, Tiffany, Anderson, Bache, Bonaventura, Collins, de Braga, Toomin, Humke, Haller, Myrna Williams, Perkins and Dini. 74, 75, 237, 243, 327, 329, 347*.

142....Expands cases in which interception of wire or oral communications may be authorized. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 77, 198, 208, 233,* 440, 459.

143....Makes various changes regarding county fire protection districts. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Gibbons, Ernaut and Hettrick. 77, 283, 304, 319, 342, 349, 370,* 1068, 1111, 1130.

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144....Requires person convicted of driving under influence of intoxicating liquor or controlled substance to attend meeting on impact of his crime. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini, Myrna Williams, Sader, Heller, Segerblom, Schneider, Bennett, Giunchigliani, Garner, Price, Humke, Perkins, de Braga, Arberry, Wendell Williams, Freeman, Gibbons, Collins and Marvel. 77, 318, 328, 347,* 656, 694, 708.

145....Makes various changes relating to elections. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Elections and Procedures. 78, 296, 302, 305, 308.

146....Authorizes issuance of marriage licenses at one location outside county seat under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neighbors, Segerblom and Hettrick. 78, 153, 177, 185,* 311, 321.

147....Exempts certain works by general improvement districts from provisions governing licensing and regulation of contractors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 95.

148....Requires reduction of premium for policy of insurance for motor vehicle equipped with certain safety devices. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Petrak, Dini, Carpenter, McGaughey, Smith, Augustine, Gibbons, Chowning, Giunchigliani, Humke, Toomin, Myrna Williams, Freeman, Bennett, Marvel, Neighbors, Bonaventura, Hettrick, Heller, Perkins, Segerblom, Ernaut, de Braga, Kenny, Garner, Price, Bache, Arberry, Collins, Gregory, Evans, Spitler, Porter, Sader, Wendell Williams, Regan, Haller, Anderson and Lambert. 95, 641, 661, 684,* 954, 1395, 1456, 1457, 1867, 1908.

149....Requires attorney general to establish fraud control unit for industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Scherer, Evans, Gregory, Anderson, Bennett, Hettrick, Sader, Dini, Gibbons, Marvel, Schneider, Heller, Humke, Chowning, Tiffany, McGaughey, Lambert, Freeman, Petrak, Carpenter, Porter, Spitler, Price, de Braga, Collins, Regan, Augustine, Bonaventura, Segerblom, Perkins, Arberry, Garner, Smith, Bache, Myrna Williams, Giunchigliani, Kenny, Toomin, Wendell Williams, Ernaut and Neighbors. 95.

150....Requires synopsis of each bill drafted for legislature. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Price, Gibbons, Myrna Williams, Toomin, Bache, Chowning, Segerblom, Bennett, Anderson, Haller, Kenny, Hettrick, Gregory, Ernaut, Neighbors, Carpenter, Arberry, Heller, Augustine, Bonaventura, Regan, Collins, McGaughey, Spitler, Tiffany, Evans, Humke, Schneider, Smith, Petrak, Garner, de Braga, Freeman, Lambert, Marvel, Perkins and Dini. 96.

151....Requires state environmental commission to adopt program to control emissions from motor vehicles in all counties. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Gibbons, Myrna Williams, Toomin, Scherer, Bache, Chowning, Segerblom, Bennett, Anderson, Haller, Evans, Kenny, Gregory, Arberry, Augustine, Regan, Schneider, Bonaventura, Petrak, Freeman, Perkins and Wendell Williams. 96, 102.

152....Allows counties and cities to finance projects on behalf of corporations for public benefit and projects for affordable housing through issuance of certain revenue bonds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Giunchigliani, Price, Gibbons, Myrna Williams, Toomin, Chowning, Bennett, Bache, Segerblom, Anderson, Haller, Evans, Kenny, Gregory, Ernaut, Neighbors, Carpenter, Arberry, Regan, Spitler, Scherer, Schneider, Sader, Smith, Petrak, de Braga, Freeman, Lambert, Garner, Marvel, Perkins, Porter, Wendell Williams, Tiffany and Dini. 96, 831, 847, 848, 1430, 1431, 1435, 1457, 1459,* 1799, 1952.

153....Directs coordination of governmental collection of money and information from business. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Price, Gibbons, Myrna Williams, Toomin, Scherer, Chowning, Segerblom, Bache, Bennett, Anderson, Haller, Evans, Kenny, Hettrick, Gregory, Neighbors, Carpenter, Arberry, Heller, Augustine, Regan, Collins, McGaughey, Spitler, Tiffany, Humke, Schneider, Sader, Smith, Petrak, de Braga, Freeman, Lambert, Garner, Marvel, Perkins, Porter, Wendell Williams and Dini. 96, 97, 1455, 1463, 1473, 1488, 1494,* 1495, 1496, 1799, 1952.

154....Revises requirements for equipment that must be installed on school buses. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Smith, Petrak, Bache, Freeman, Collins, Garner, Gibbons, Ernaut, Augustine, Perkins, Hettrick, Toomin, Wendell Williams, Kenny, Gregory, Bonaventura, Regan, Anderson, Haller, Carpenter, Porter, de Braga, Segerblom, Neighbors, Bennett, Arberry, Evans, Myrna Williams, Chowning, Lambert, Spitler, Heller, Marvel, Giunchigliani, Dini, Sader, McGaughey, Humke, Price and Scherer. 97, 297, 313, 326,* 656, 676, 688.

155....Authorizes issuance of special license plates for fire trucks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 97, 238, 246, 263,* 264, 969, 1001.

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156....Authorizes department of motor vehicles and public safety to issue permit to operate unregistered vehicle to short-term lessor of vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 97, 296, 314, 326, 327,* 565, 611, 621.

157....Makes various changes relating to driver's licenses and registration and insurance for motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 97, 98, 485, 501, 517,* 1908, 1987.

158....Limits use of money by district for control of floods for certain off-site improvements. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 98, 237, 246, 256, 264*.

159....Establishes legislative committee to conduct interim study relating to disclosure of information in real estate transactions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 98.

160....Increases number of councilmen authorized in city of third class. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter, de Braga and Smith. 101, 160, 184, 195,* 376, 390.

161....Makes various changes to provisions governing mobile home parks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 101, 928, 961, 973,* 1799, 1843, 1952.

162....Revises provisions for establishing eligibility for preference given to local contractors for public works projects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 101, 258, 265, 592, 605, 633*.

163....Expands authorized use of money from trust fund for low-income owners of mobile homes to include payment of costs of moving mobile homes under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 101.

164....Requires that benefits paid for health care services which are provided by governmental agency must be paid at rate not less than that paid to nongovernmental providers of similar services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 102.

165....Eliminates exemption from provisions of industrial insurance law for certain employers and their employees who are hired outside this state for temporary work in this state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Collins, Bache, Regan, Price, Giunchigliani, Perkins, Schneider, Kenny, Anderson, Gregory, Humke, Heller, Scherer, McGaughey, Chowning, Tiffany, Smith, de Braga, Hettrick, Bennett, Petrak, Arberry, Garner, Gibbons, Bonaventura, Neighbors, Marvel and Augustine. 102, 258, 268.

166....Changes time for election of certain officers of City of Reno. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 104, 153, 177, 195,* 254, 265.

167....Enlarges criminal provisions against false claims for health care. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 113, 513, 536, 559*.

168....Removes restriction on location at which certain medical examinations of allegedly mentally ill persons may be performed. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 114, 928, 934, 937, 973,* 1431, 1486.

169....Allows state board of health to authorize county health officers to supply abstracted birth certificates under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 114, 258, 271, 293,* 450, 469.

170....Requires issuance of bonds to provide revenue for grants for preservation and protection of certain historical buildings. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel, Dini, Price, Gregory, Arberry, Porter, Heller, Humke, Wendell Williams, Neighbors, Carpenter, Ernaut, Garner, Spitler, de Braga, Collins, Regan, Segerblom, Hettrick, Petrak, Bonaventura, Perkins, Schneider, Augustine, Bennett, Tiffany, Giunchigliani, Freeman, McGaughey, Bache, Anderson, Haller, Toomin, Gibbons, Kenny, Myrna Williams, Sader and Smith. 114, 520, 537, 559,* 1908, 1912.

171....Provides for issuance of permit to carry concealed weapon. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 114.

172....Extends period within which action must be taken on parcel maps for division of land. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neighbors, Carpenter, Collins and Marvel. 115.

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173....Proposes to exempt horses from certain taxes on retail sales. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. de Braga, Collins, Wendell Williams, Segerblom, Bache, Price, Hettrick, Regan, Ernaut, Carpenter, Petrak, Marvel, Kenny, Smith, Gibbons, Freeman and Neighbors. 117, 277, 290, 308, 309,* 450, 469.

174....Limits right of natural father to custody of or visitation with child conceived as result of sexual assault. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Wendell Williams, Arberry, Gibbons, Spitler, Garner, Myrna Williams, Smith, Schneider, Price, Giunchigliani, Porter, Collins, Bonaventura, Chowning, Toomin, Anderson, Haller, Bache, Carpenter, Bennett, Regan, Petrak, Kenny, Gregory, McGaughey and Segerblom. 117, 198, 209, 233,* 450, 469.

175....Prohibits person from threatening or intimidating public employee. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 118, 744, 751, 763, 813, 837, 838,* 1376, 1465, 1523.

176....Revises provisions regarding roads made public by prescriptive use. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Anderson, Toomin, Freeman, Hettrick, Segerblom, Spitler, Evans, Gibbons, Petrak, Myrna Williams, Schneider, Regan, Arberry, Perkins, Bache, McGaughey, Gregory, Kenny, Chowning, Bennett, Wendell Williams, Haller, Giunchigliani, Bonaventura, Humke, Dini, Lambert, Price, Collins and Porter. 122, 710, 723, 735, 740, 810, 812, 838,* 1908, 1911.

177....Makes various changes to requirements for division of land. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 122, 1003, 1016, 1117, 1569, 1570, 1574, 1580,* 1583, 2034, 2035.

178....Establishes procedure to consolidate certain lots of land. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 122.

179....Revises provisions governing division of land into four lots or less and revises provisions governing division of land into certain large parcels. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 123.

180....Revises provisions relating to tentative and final maps of subdivisions of land. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 123.

181....Makes various changes relating to subdivision of land. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 123.

182....Prohibits bureau of services to the blind of rehabilitation division of department of human resources from guaranteeing loans to blind persons who are under contract with bureau. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 124, 242, 256, 264,* 450, 469.

183....Requires that proposal for imposition of ad valorem tax for additional officers be submitted to voters of areas where metropolitan police department has been created. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 124, 193, 201, 207, 220, 221,* 297, 316.

184....Makes various changes relating to franchises for operation of service stations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 125.

185....Revises definition of "agricultural use" for purposes of tax on agricultural property. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Dini and Marvel. 127.

186....Increases population threshold for county in which domestic winery may be operated. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick, Dini, Myrna Williams, Heller, Carpenter, Ernaut, Marvel, Humke, Lambert, Tiffany, Augustine, Bache, Regan, Perkins, Collins, Bonaventura, Schneider, de Braga, Kenny, Giunchigliani, Gibbons, Scherer, Chowning, Gregory, Evans, Freeman, Segerblom, Anderson, Price, Smith, Toomin, Arberry and Neighbors. 127, 592, 605, 614,* 867, 890.

187....Limits increase in rent for mobile home lots in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Petrak, Porter, Myrna Williams, Kenny, Segerblom, Toomin, Price, Chowning, Wendell Williams, Smith, Bache, Giunchigliani, Perkins, Bennett, Regan, Neighbors, Garner, Augustine, Evans, Sader and Freeman. 128, 928, 934, 938, 973, 987, 992*.

188....Directs issuance of Nevada Silver Gaming Tokens. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini, Price, Chowning, Marvel, Gibbons, Bonaventura, Hettrick, Neighbors, Ernaut, Heller, Perkins, Regan, Wendell Williams, Gregory, Evans, Schneider, Anderson, Collins, Humke and Augustine. 130, 131, 1800, 1822, 1824, 1878, 1879, 1880, 1885,* 1886.

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189....Exempts from regulation certain uses of hazardous substances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter, Marvel, Dini, Hettrick, de Braga, Collins, Neighbors, Regan and Humke. 131, 461, 465, 474, 477,* 574, 590.

190....Makes appropriation to Clark County for improvements to fairgrounds for Clark County fair. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Smith, Regan, Gregory, Bache, Garner, Porter, Collins, de Braga, Carpenter, Neighbors, Segerblom, Wendell Williams, Kenny, Gibbons, Toomin, Anderson, Petrak and McGaughey. 136.

191....Requires board of regents of University of Nevada System to report to director of legislative counsel bureau concerning certain activities of police department for University of Nevada System. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Wendell Williams and Arberry. 136, 137, 640, 661, 684, 685,* 914, 953.

192....Requires board of trustees of school district to establish policy relating to arrest of pupil on school grounds during school hours. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 137, 846, 856, 868, 903,* 1376, 1396, 1429.

193....Provides for registration and investigation of homes providing certain health care to not more than two persons. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 137, 616, 628, 636, 1734, 1780, 1784, 1805, 1881, 1886, 1913, 1922, 1925,* 2044, 2045.

194....Requires state fire marshal to delegate his authority and duties to local governments under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter, Hettrick, Ernaut and Marvel. 145, 640, 662, 685,* 880, 912.

195....Eliminates period of limitation for commencement of wrongful death action by heir of deceased under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Myrna Williams, Dini, Ernaut, Hettrick, Heller, Carpenter, Segerblom, Neighbors, Schneider, Porter, Bennett, Wendell Williams, Augustine, Giunchigliani, Gibbons, Anderson, Haller, Regan, Price, Perkins, Marvel, Garner, Gregory, Petrak, Kenny, Freeman, de Braga, Scherer, Bache, Smith, Bonaventura, Spitler, Arberry, Toomin, Evans, Chowning, Collins and Tiffany. 145.

196....Authorizes operation of charitable bingo by qualified organizations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 148, 880, 892, 933,* 1600, 1672.

197....Limits liability of county under certain circumstances for medical services provided to indigent persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 148.

198....Revises procedure for refunding surplus money from local improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 148, 149, 341, 358, 370,* 1068, 1126, 1155.

199....Creates crimes of stalking and aggravated stalking. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Gregory, Scherer, Heller, Anderson, Bonaventura, Regan, Schneider, Collins, Smith, Petrak, Toomin, Gibbons, Sader, Porter, Carpenter, Lambert, McGaughey, Augustine, Hettrick, Dini, Neighbors, Perkins, Spitler, Arberry, Wendell Williams, Marvel, Evans, Tiffany, Chowning, Humke, Ernaut, Kenny, Giunchigliani, Myrna Williams, Freeman, Bache, Bennett, Price, de Braga and Segerblom. 149, 394, 412, 427, 435, 436,* 711, 794, 843, 851, 910, 955, 1001.

200....Makes various changes regarding enforcement of provision requiring registration of motor vehicles in this state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Augustine, Gregory, Gibbons, Ernaut, Lambert, Freeman, Wendell Williams, Bennett, Porter, Kenny, Petrak, Anderson, Haller, Toomin, Marvel, Spitler, Hettrick, Collins, Heller, Carpenter, Scherer, Arberry, Sader, Segerblom, Evans, de Braga, Tiffany, Smith, McGaughey, Schneider, Regan, Chowning, Bache, Humke, Giunchigliani, Myrna Williams, Neighbors, Bonaventura, Garner and Price. 149, 565, 576, 578, 579, 582.

201....Requires periodic fundamental review of each state agency to determine whether there is justification for its existence, costs and programs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Ernaut, Marvel, Hettrick, Heller, Humke, Regan, Gibbons, Gregory, Tiffany, Scherer, Lambert, Bennett, Augustine, Collins, Carpenter, Chowning, Segerblom, de Braga, Price, Anderson, Evans, Schneider, Porter, Neighbors, Dini, Kenny, McGaughey, Freeman and Bonaventura. 149.

202....Revises provisions relating to disclosure of certain information concerning preparation of legislative measures. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price, Dini, Arberry, Bennett, Scherer, Spitler, Myrna Williams, Chowning, Smith, Freeman, Anderson, Haller, Lambert, Bache, Garner, Toomin, Wendell Williams, Collins, de Braga, Regan, Perkins, Petrak, Hettrick, Augustine, Segerblom, Ernaut, Carpenter, Schneider, Neighbors, Evans, Sader, Tiffany, Gregory, McGaughey, Kenny, Marvel, Giunchigliani, Porter, Heller, Humke, Gibbons and Bonaventura. 150, 283, 305, 315,* 1196, 1381, 1409.

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203....Creates crimes of stalking and aggravated stalking. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Price, Evans, Dini, Marvel, Heller, Ernaut, Giunchigliani, Freeman, Wendell Williams, de Braga, Segerblom, Kenny, Gibbons, Toomin, Chowning, Humke, Tiffany, McGaughey, Gregory, Garner, Smith, Myrna Williams, Lambert, Bache, Anderson, Haller, Scherer, Perkins, Collins, Arberry, Augustine, Hettrick, Regan, Bennett, Neighbors, Sader, Bonaventura, Petrak, Schneider, Carpenter, Porter and Spitler. 154, 155.

204....Requires reporting of tort claims against governments. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Wendell Williams. 155, 1056, 1068, 1127, 1171,* 1600, 1672.

205....Eliminates exemption of certain contractors from provisions of industrial insurance law for employees who are hired outside this state for temporary work in this state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Bache, Collins, Kenny, Bonaventura, McGaughey, Smith, Anderson, Price, Haller, Wendell Williams, Chowning, Freeman, Scherer, Perkins, Toomin, Lambert, Neighbors, Segerblom, Carpenter, Hettrick, Petrak, Myrna Williams, Giunchigliani, Arberry, Bennett, Spitler, Schneider, de Braga, Dini, Marvel, Evans, Humke, Garner, Sader, Regan and Porter. 162, 267, 278, 293,* 867, 890.

206....Requires legislative auditor to conduct performance audit of state's program of group health insurance that is provided by committee on benefits through plan of self-insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Bache. 162, 1737, 1738, 1865, 1867, 1868, 1889, 1900*.

207....Directs appointment of task force to study feasibility of establishing course work in American Sign Language in certain public schools. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Spitler, Evans, Bennett, Arberry, Humke, Dini, Marvel, Myrna Williams, Tiffany, Heller, Giunchigliani, Perkins, Price, Bache, Lambert, de Braga, Garner, Freeman, Ernaut, Porter, Kenny, Gibbons, Schneider, Neighbors, Carpenter, Augustine, Hettrick, Collins, McGaughey, Regan, Gregory, Scherer, Wendell Williams, Anderson, Haller, Chowning, Segerblom, Petrak, Smith and Toomin. 164, 710, 725, 735, 739, 986, 1010, 1069,* 1456, 1523.

208....Makes appropriation to commission on economic development for distribution to Rural Nevada Development Corporation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Dini, Neighbors, Carpenter, Marvel, Collins, de Braga, Gibbons, Hettrick, Ernaut, Heller and Segerblom. 165.

209....Revises provisions relating to use of deadly force. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Wendell Williams and Arberry. 165, 296, 314, 327,* 1068, 1465, 1523.

210....Creates additional exemptions to provisions governing solicitation by telephone. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini, Heller and Ernaut. 165.

211....Makes various changes regarding provision of health care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 165, 1525, 1531, 1538, 1574, 1580,* 1583, 1627, 1708.

212....Requires state board of health to adopt regulations requiring hospital to include physicians on board of directors of hospital. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 165.

213....Authorizes nonpartisan voter to vote for candidates of major political party in primary election under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 165, 166.

214....Eliminates provision establishing different date for close of voter registration in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 166.

215....Requires state board of education to establish course of study to improve home and occupational skills. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Education. 166.

216....Makes various changes to provisions governing fund for enhancement of occupational education. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Education. 166.

217....Requires postsecondary educational institution not licensed to operate in this state to be accredited before agent of institution may be granted agent's permit. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 166, 1687, 1699, 1700, 1712,* 1714, 1874.

218....Prohibits imposition of parking fees by board of regents of University of Nevada System upon employees of system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 166, 167.

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219....Revises fees charged by commission on postsecondary education. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 167, 1832, 1838, 1862, 1863,* 1908.

220....Requires establishment of program for referral of pupils with attention deficit hyperactivity disorder to physicians for diagnosis and treatment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 167.

221....Requires physician to obtain under certain circumstances informed consent from parent or legal guardian of minor before prescribing or administering certain medication to minor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 167.

222....Requires state board of education to train certain members of boards of trustees and adopt regulations relating to training. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 167.

223....Revises provision regarding list of hearing officers maintained by state board of education. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 167, 168, 477, 480, 505,* 656, 678.

224....Requires school districts to employ crossing guards. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Education. 168.

225....Changes punishment for crime of burglary with intent to commit petit larceny to misdemeanor. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 168.

226....Establishes monetary threshold for imposing penalties for forgery. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 168, 334, 346, 354.

227....Authorizes return of person to another state without extradition proceeding if person executed waiver of extradition in state requesting his return. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 168, 334, 346, 354,* 355, 656, 696, 708.

228....Allows all prosecuting attorneys to issue subpenas for witnesses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 168, 353, 369, 378,* 509, 523.

229....Expands and under certain circumstances makes mandatory provision regarding suspension of driver's license of juveniles who commit certain unlawful acts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 168, 169, 472, 481, 505, 506,* 1799, 1842, 2051.

230....Provides that gross revenue of gaming licensee does not include uncollected baccarat commissions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 169, 440, 451, 475,* 759, 797, 816.

231....Makes various changes regarding legal custody and support of child. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 169.

232....Makes theft of firearm felony regardless of value. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 169.

233....Clarifies provisions regarding applicability of casino entertainment tax. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 169, 450, 463, 465, 1012, 1059, 1117,* 1600, 1672.

234....Revises penalty for first violation and increases penalty for second or subsequent violation of laws governing architects. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 169, 170.

235....Establishes and revises various fines and penalties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 170, 792, 802, 838,* 1376, 1394, 1429.

236....Allows private investigator's licensing board to issue citations and impose fines for unlicensed activity that requires licensure. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 170, 543, 557, 582,* 820, 842.

237....Makes various changes to provisions governing practice of chiropractic. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 170, 353, 369, 387,* 867, 890.

238....Makes excessive charge for placing vendor or supplier on list of approved vendors or suppliers deceptive trade practice. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 170.

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239....Imposes limit on rate of interest for certain loans. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 170, 171.

240....Prohibits certain policies of insurance from excluding coverage for intentional and unlawful sexual acts by insured. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 171.

241....Prospectively increases number of semester hours required for certification as certified public accountant. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 171, 543, 557, 566, 586, 590,* 954, 983.

242....Makes various changes relating to regulation of professional engineers and land surveyors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 171, 277, 290, 316,* 513, 539.

243....Prohibits certain acts by employers, labor organizations, employment agencies, insurers and other persons relating to genetic testing. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Porter, Bennett, Kenny, Bonaventura, Arberry, Garner, Myrna Williams, Scherer, Heller, Humke, Giunchigliani, Perkins and Augustine. 171.

244....Makes identifying information concerning victim of sexual assault confidential. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Giunchigliani, Chowning, Evans, Myrna Williams, Spitler, Arberry, Perkins, Heller, Humke, Dini, Price, Segerblom, Carpenter, Neighbors, Petrak, Anderson, Gibbons, Toomin, Kenny, Haller, Bache, Lambert, Scherer, Smith, Freeman, Garner, Bennett, Regan, Hettrick, Marvel, Gregory, de Braga, Collins, Augustine, Wendell Williams, Ernaut and Schneider. 180, 880, 896, 934, 935,* 1627, 1704, 1874, 1882, 1909, 2010.

245....Prohibits unauthorized possession, transfer or use of card evidencing eligibility to receive Medicaid benefits. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 180, 325, 334, 355,* 574, 590.

246....Revises standard for determining operation of vehicle or vessel while intoxicated. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Petrak, Smith, Toomin, Gibbons, Gregory, Bonaventura, Sader, Anderson, Collins, Augustine, Bache, Ernaut, Kenny, Segerblom, Hettrick, Chowning, Haller, Freeman, Evans, Heller, Wendell Williams and Humke. 180, 181, 277, 280.

247....Requires state welfare board to provide written notice before adopting regulations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 181, 1131, 1160, 1364,* 1600, 1672.

248....Establishes preference in award of contracts for provision of goods or services to local government for contractors with substantial minority labor forces. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 181.

249....Allows private sale of bonds issued by redevelopment agency. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 181, 341, 358, 370, 371,* 744, 757.

250....Authorizes landscaping and public lighting as local improvements. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 181.

251....Changes certain procedures for making local improvements. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 181, 182.

252....Authorizes collective bargaining for certain employees of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 182.

253....Enacts interstate compact for certain operations by Nevada National Guard. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 182, 429, 445, 453, 456*.

254....Clarifies and expands authority of local government concerning street improvement projects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 182, 283, 305, 316,* 820, 842.

255....Revises requirements for notice of certain proposed changes to redevelopment plan. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 182.

256....Provides that home addresses of certain public officers, public employees and their families may be made confidential. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 182.

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257....Clarifies authority of board of regents to contract with different types of investment entities in providing retirement program for professional staff. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 182, 183, 341, 358, 371, 566, 568,* 984, 1012.

258....Makes various changes to charter of City of Sparks. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 183, 341, 358, 371,* 691, 708.

259....Provides for acceptance and display of portrait of Isaac Roop, former Governor of the Provisional Territory of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 183, 2023, 2024, 2035,* 2037.

260....Makes appropriation for program of nutrition. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 183.

261....Makes appropriation to department of education for support of special educational needs of American Indians. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Wendell Williams. 183.

262....Makes various changes to provisions governing sale and dispensing of hypodermic devices and prophylactic products. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 186, 1012, 1048, 1117,* 1627, 1668, 1708.

263....Makes various changes relating to industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 186.

264....Makes various changes to provisions governing procedures for reporting industrial injuries and filing claims for compensation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 186, 187.

265....Excludes certain items from definition of "accident benefits" for industrial insurance and authorizes employees to receive motor vehicles as accident benefits only under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 187.

266....Establishes circumstances under which late manifesting injury or disease may be considered part of employee's original claim for worker's compensation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 187.

267....Prohibits employee from receiving workers' compensation for disability resulting from subsequent injury or disease under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 187.

268....Eliminates subsequent injury fund for industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 187.

269....Revises definition of average monthly wage for purposes of industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 187, 188.

270....Places limitations on time during which certain claims for industrial insurance may be reopened. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 188.

271....Prohibits physician or chiropractor from referring injured employee that he is attending to certain health facilities or services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 188.

272....Requires attorney general to establish fraud control unit for industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 188.

273....Makes various changes to provisions relating to industrial insurance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 188, 189.

274....Provides that certain goods and services are not vocational rehabilitation services and limits benefits that are available to injured employees who retire. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 189.

275....Creates advisory committee for human services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 189.

276....Revises provisions of state plan relating to aid to dependent children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 189, 484, 502.

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277....Expands eligibility for coverage pursuant to state plan for assistance to medically indigent. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 189.

278....Authorizes increase in filing fees in certain civil actions and administrative assessments in certain criminal actions for support of law libraries. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 192.

279....Authorizes peace officer to issue citation to defendant rather than arresting him on certain warrants issued upon misdemeanor offenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 192, 394, 412, 427, 437,* 574, 590.

280....Revises provisions for effecting arrests during night. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 192, 353, 369, 378,* 509, 523.

281....Provides that written findings of screening panel are not admissible in actions filed in district court for medical malpractice if screening panel was unable to reach decision. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 192.

282....Makes various changes relating to local financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 193, 1430, 1437, 1440, 1457, 1458,* 1526, 1599.

283....Revises statutory provision governing which issues may be appealed to manager of state industrial insurance system and authorizes manager's designee to hold hearings and issue administrative determinations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 195.

284....Permits employee or his dependents to commence civil action in negligence against certain persons after accepting compensation or benefits from industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 195.

285....Prohibits payment of certain benefits relating to industrial insurance while employee is incarcerated. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 196.

286....Requires certain persons who represent employer or employee before appeals officer in matter relating to workers' compensation to meet certain continuing legal education requirements. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 196.

287....Revises provisions regarding self-insured employers and prohibits temporarily commissioner of insurance from certifying employers as self-insured employers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 196, 341, 358, 364, 1626, 1645, 1679, 1682,* 1686.

288....Provides for distribution of money used for programs of occupational education and requires establishment of certain pilot programs for occupational education. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Evans, Anderson, Petrak, Smith, Freeman, Wendell Williams, Perkins, Regan, de Braga, McGaughey, Scherer, Giunchigliani, Gibbons, Myrna Williams, Toomin, Haller and Bennett. 199, 200.

289....Requires board of trustees of each school district to provide for daily instruction in physical education to all pupils. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 204.

290....Requires state board of education to establish pilot program for increased management of public schools by educational personnel. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation. Evans, Chowning, Anderson, Haller, Bache, Scherer, Toomin, Petrak and Garner. 204, 845, 856, 857, 1493, 1522, 1527, 1532,* 1533, 2025, 2034.

291....Authorizes cooperative agreements between state department of agriculture and local governments regarding placement or disposition of estrays. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini (by request). 204, 450, 465, 482,* 802, 827.

292....Revises exemption from provisions concerning unemployment compensation for persons who deliver or distribute newspapers or shopping news. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini and Myrna Williams. 204, 205.

293....Establishes absolute privilege for certain information relating to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 205, 404, 419, 427, 437,* 656, 678.

294....Extends period for filing for political office if incumbent candidate withdraws after close of filing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 210.

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295....Revises provisions regarding sale of cigarettes by wholesale and retail dealers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Spitler (by request). 227, 1455, 1463, 1473, 1583, 1592, 1594, 1873, 1889, 1900, 1913, 1925,* 2016.

296....Makes various changes related to filing affidavits of experts in claim for medical malpractice before screening panel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 229.

297....Makes various changes relating to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 230, 440, 452, 475,* 656, 678.

298....Strengthens rights of grandparents to visit grandchildren. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Spitler, Bennett, Collins, Tiffany, Arberry, Toomin, Price, Schneider, Wendell Williams, Dini, Gregory, Segerblom, Petrak, Hettrick, Anderson and Giunchigliani. 230.

299....Revises provisions governing annual meetings of stockholders of banks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 230, 425, 433, 446,* 656, 678.

300....Makes various changes to provisions governing hearing aid specialists. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 230, 754, 763, 798, 826,* 1627, 1669, 1708.

301....Revises definition of "package plant for sewage treatment" to exclude certain systems. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 230, 655, 671, 693, 705,* 1410, 1453, 1486.

302....Makes various changes relating to compensation to fireman or police officer for disability or death from disease of heart. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 231.

303....Authorizes state contractors' board to obtain certain information from state industrial insurance system and employment security department. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 231, 311, 319, 327*.

304....Makes various changes concerning recreation on public land and water. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Dini, Marvel, Carpenter, Hettrick and de Braga. 231.

305....Authorizes levy of property tax for costs of protecting supply and distribution of water of irrigation districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini, Marvel, Carpenter, Hettrick and de Braga. 231, 457, 465, 475,* 1600, 1672.

306....Requires department of motor vehicles and public safety to issue permits to carry concealed weapons under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Collins, Gregory, Ernaut, Lambert, Humke, Anderson, McGaughey, Wendell Williams, Bonaventura, Gibbons, Regan, Segerblom, Marvel, Neighbors, Carpenter, Schneider, Smith, Petrak, Hettrick, Arberry and Haller. 233.

307....Reduces amount of time in which person must pay dishonored check or draft to avoid presumption of intent to defraud. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Haller, Anderson, Humke, Bennett, Bache, Chowning, Smith, Spitler, Gregory, Collins, Regan, Petrak, Segerblom, Carpenter, Neighbors, Augustine, Wendell Williams, Giunchigliani, Kenny, Toomin, Price, Evans and Dini. 238, 318, 328, 347,* 574, 590.

308....Provides that all judges and justices are entitled to retirement benefits calculated in same manner. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 239.

309....Revises provisions governing liability for failure to disclose certain facts in sale of real property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 239.

310....Provides that only one cause of action for medical malpractice arises from single action or omission or series of actions or omissions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 239.

311....Makes various changes relating to architecture. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 240, 1626, 1633, 1653, 1655, 1679, 1681, 1742, 1772, 1805, 1806,* 1809, 2025.

312....Makes various changes relating to gaming licensees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Wendell Williams, Spitler, Price, McGaughey, Collins, Giunchigliani, Porter, Arberry, Bennett, Regan, Perkins, Smith, Toomin, Kenny, Haller, Petrak, Anderson, Schneider and Segerblom. 240, 880, 899, 935*.

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313....Reduces rate of additional privilege tax imposable by certain counties. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Haller, Wendell Williams, Gibbons, Chowning, Humke, Lambert, Bache, Tiffany, Anderson, McGaughey, Gregory, Evans, Arberry, Spitler, Collins, Regan, Segerblom, Schneider, Bennett and Toomin. 243.

314....Makes various changes regarding appropriation of public waters and increasing certain fees assessed by state engineer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 244, 750, 766, 768, 840, 849, 868,* 1717, 1740, 1871.

315....Requires governing bodies and boards of county commissioners to obtain approval of regional transportation commission of their services relating to benches and shelters for passengers of system of public transportation. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 244.

316....Makes appropriations to state board of examiners for settlement of claim on behalf of certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 244, 379, 385, 413,* 984, 1112, 1130.

317....Requires apportionment from state school distributive account to be made monthly. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 244.

318....Makes supplemental appropriation to division of child and family services of department of human resources for certain expenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 244, 379, 386, 395,* 396, 509, 523.

319....Makes appropriation to Lincoln County School District for teacher at Garden Valley School. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. de Braga (by request). 245.

320....Amends charter of City of Reno to revise method for election of members of city council. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Haller. 255, 1157, 1177, 1390,* 1799, 1952.

321....Revises fees for certain court-appointed attorneys in criminal proceedings. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 255, 341, 342, 1734, 1739, 1742, 1805, 1806, 1807,* 1809, 1908.

322....Provides for certain state services in Laughlin. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Segerblom, de Braga, Chowning, Perkins, Hettrick, Bonaventura, Neighbors, Petrak, Carpenter, Schneider, Wendell Williams, Collins, Marvel, Kenny, Giunchigliani, Sader, Garner and Price. 255, 256, 461, 474.

323....Imposes fee on short-term rental of passenger car. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 259, 329, 334, 347, 348,* 1908, 1912.

324....Makes various changes to encourage provision of health insurance for employees of small businesses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 259.

325....Makes various changes to procedure for summary eviction of tenant. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 260.

326....Permits cooperative agreement between public agencies or nonprofit medical facilities for purpose of obtaining industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 260.

327....Revises provisions requiring payment of fee for chemical analysis upon conviction of certain offenses related to use of intoxicating liquor or controlled substance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 260, 485, 503, 517,* 1431, 1467, 1601, 1813, 1908.

328....Provides that number of years of judicial service required for justice of supreme court or district judge to qualify for pension benefit be the same as for member of public employees' retirement system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 260, 954, 972, 992,* 1600, 1672.

329....Makes appropriation to City of North Las Vegas for costs of relocating residents of Windsor Park whose homes are sinking. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Arberry, Wendell Williams, Spitler, Porter, Giunchigliani, Myrna Williams, Marvel and Garner. 261.

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330....Makes appropriation to health division of department of human resources for pilot programs concerning sickle cell anemia. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Arberry, Wendell Williams, Spitler, Giunchigliani, Myrna Williams, Marvel and Garner. 261.

331....Requires annual prepayment of tax on insurance premiums. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 268.

332....Authorizes optometrist to administer and prescribe therapeutic pharmaceutical agents. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 268.

333....Revises restriction on appointment of certain corporations organized in other states to act as fiduciaries in this state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 268, 744, 751, 763, 800, 1526, 1533, 1534, 1574, 1580,* 1583, 1799, 1952.

334....Prohibits harassment of tenant of mobile home park by landlord. Fiscal note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 269, 928, 934, 938, 973, 974,* 1600, 1672.

335....Establishes provisional licenses for social workers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 269, 353, 370, 378,* 513, 539.

336....Exempts driver of taxicab from requirement of wearing safety belt while he is on duty. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 269.

337....Clarifies certain provisions of water law and ratifies past actions of state engineer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini, Sader, Marvel, Gregory, Neighbors, Hettrick, Humke, Anderson, Collins, Giunchigliani, Bennett, Porter, Regan, Bache, Schneider, Smith, Perkins, Garner, Arberry, Price, Petrak, Bonaventura, Carpenter, Evans, McGaughey, Chowning, Scherer, Wendell Williams, Augustine, Tiffany, Haller, Myrna Williams, Heller, Kenny, Toomin and Segerblom. 269, 429, 445, 466,* 802, 827.

338....Requires department of wildlife to obtain approval of board of wildlife commissioners before taking certain actions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Carpenter, Neighbors, Marvel, Hettrick, de Braga, Regan, Humke and Gibbons. 273.

339....Revises provisions relating to specialized or local ethics committees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 276, 640, 663, 683, 684, 705*.

340....Increases term of all municipal judges. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 276.

341....Provides for registration and licensing of paralegals. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation. Bonaventura, Porter, Gibbons, Scherer, Dini, Humke, Bennett, Perkins, Spitler, Giunchigliani, Anderson, Collins, Gregory, Bache, Segerblom, Chowning, Toomin, Regan, Schneider, Augustine, Hettrick, Wendell Williams, Petrak, Ernaut, Neighbors, Heller, de Braga, Price, Carpenter, Smith, Kenny, Evans, Garner, Myrna Williams, Arberry, Haller, Marvel, Freeman and McGaughey. 276.

342....Revises maximum salary various employees are deemed to receive for certain purposes relating to industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 276, 353, 354, 355,* 380, 390.

343....Requires good cause for termination of employment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Price, Giunchigliani, Evans, Wendell Williams, Chowning, Arberry, Haller, Petrak, Myrna Williams, Porter, Bache, Freeman, Regan, Bonaventura, Collins, Bennett, de Braga, Garner, Neighbors, McGaughey, Kenny, Toomin, Anderson, Smith and Segerblom. 280.

344....Makes appropriation to Nevada Special Olympics for administrative expenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 280.

345....Adopts Uniform Foreign-Money Claims Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 280, 415, 426, 437,* 656, 678.

346....Makes confidential written reports of accidents made by police officers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 280.

347....Requires equal disposition of community property of parties in proceeding for divorce under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 280, 281, 457, 465, 475,* 711, 731.

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348....Provides for continuing treatment of juvenile offender certified as adult under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 281, 353, 370, 378, 379,* 691, 797, 816.

349....Makes various changes in regulation of securities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 281, 1003, 1048, 1118,* 1627, 1649, 1708.

350....Conforms Uniform Federal Lien Registration Act further to latest revision by Uniform Law Commissioners. Fiscal Note: Effect on Local Government: No Effect on the State or on Industrial Insurance: No Committee on Judiciary. 281, 479, 491, 511, 517, 518,* 656, 678.

351....Removes disqualification for unemployment compensation of certain educational employees for specified periods of unemployment. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 292.

352....Authorizes unincorporated towns to impose impact fees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 297.

353....Provides date for valuing land purchased by school district within subdivision. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 297.

354....Clarifies that municipality may by condemnation acquire property for project within or without municipality. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 298, 429, 446, 456, 457*.

355....Amends provisions governing testing of state employees for use of alcohol or controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 298, 593, 605, 614,* 615, 1874, 1886.

356....Requires development of single form for certain payments and reports required of businesses and other employers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Haller, Humke, Scherer, Chowning, Gibbons, Kenny, Giunchigliani, Schneider, Ernaut, Carpenter, Segerblom, Petrak, Heller, Hettrick, Perkins, Regan, Bonaventura, de Braga and Anderson. 298.

357....Directs state librarian to establish pilot project to provide grants to certain public libraries for purchase of books and library materials. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Augustine, Marvel, Dini, Porter, Bennett, Anderson, Scherer, Chowning, Tiffany, Haller, McGaughey, Lambert, Gregory, Garner, Petrak, Hettrick, Neighbors, Segerblom, Evans, Sader, Arberry, Spitler, Price, Collins, de Braga, Bonaventura, Regan, Heller, Perkins, Schneider, Carpenter, Toomin, Humke, Gibbons, Kenny, Giunchigliani, Ernaut, Myrna Williams and Smith. 298, 640, 663.

358....Regulates reporting of consumer credit. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Arberry, Spitler, Wendell Williams, Toomin, Sader, Freeman, Bache, Garner, Porter, Gibbons, Kenny, Smith, Perkins, Hettrick, Segerblom, Gregory, Tiffany, Ernaut, Giunchigliani, Collins, Price, Haller, Anderson, Scherer, McGaughey, Lambert, Myrna Williams, Evans, Schneider, Augustine, Bonaventura, Petrak, Bennett and Dini. 299, 1573, 1583, 1585, 1601, 1602,* 1603, 1908, 1957.

359....Makes various changes regarding administration of program of deferred compensation for state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Effect less than $2,000. Bache, Dini, Chowning, Haller, Neighbors, McGaughey, Carpenter, Price, Spitler, Evans, Petrak, Collins, Bennett, Gibbons, Hettrick, Bonaventura, Segerblom, Lambert, Regan, Anderson, Smith, Garner, Toomin, Kenny, Marvel, Humke, Heller, Scherer, Arberry, Freeman, Myrna Williams, Giunchigliani, Schneider, Gregory, Wendell Williams, Porter, Perkins and de Braga. 299, 690, 702, 729, 846, 861, 882,* 1908, 1911.

360....Revises provisions relating to suspension of sentence for causing death or substantial bodily harm while driving under influence of intoxicating liquor or controlled substance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 299, 1003, 1049, 1118*.

361....Broadens provisions for authorizing performance of marriages. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 299, 509, 522, 548,* 954, 981, 1468, 1627, 1645, 1734, 1799, 1952.

362....Adopts Uniform Law on Notarial Acts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 300, 415, 426, 437,* 656, 678.

363....Allows admission into evidence affidavit of certain laboratory directors to prove results of test conducted at medical laboratory. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 300, 525, 545, 567,* 691, 708.

364....Makes various changes regarding access to public books and records. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 300, 969, 986, 1000, 1059, 1064,* 1071, 2016.

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365....Substitutes civil enforcement of access to public records for criminal penalty. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 300, 891, 918, 958,* 1627, 1708.

366....Establishes procedures for public inspection of public records. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 300, 928, 934, 939, 974*.

367....Defines "public record" to accommodate various forms in which records are maintained. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 300, 301.

368....Requires charges for copies of public records not to exceed cost. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 301, 891, 918, 958*.

369....Makes appropriation to department of education for adult literacy program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Garner and Wendell Williams. 301.

370....Expands prohibition against assaulting and threatening pupils and teachers to include other school employees. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Education. 312, 565, 578, 597,* 711, 731.

371....Makes appropriation for establishment and operation of pilot program for foster grandparents in certain school districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Evans (by request). 312.

372....Expands eligibility for assistance to victims of sexual assault. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Evans, Dini, Humke, Spitler, Chowning, Giunchigliani, Haller, Bache, Anderson, Scherer, Petrak, Toomin and Garner. 312.

373....Requires state welfare administrator to establish program to provide grants for supplemental food program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 313.

374....Makes various changes to provisions governing industrial insurance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Price, Collins, de Braga, Regan, Perkins, Petrak, Bonaventura, Wendell Williams, Arberry, Toomin, Haller, Chowning, Bache, Anderson, Evans, Smith, Freeman, Giunchigliani, Neighbors, Segerblom and Myrna Williams. 313, 706, 716, 739,* 1950, 1963.

375....Requires use of employer's previous experience out of state in setting premium for industrial insurance under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 319, 427, 433, 446,* 880, 910, 927.

376....Makes various changes to statutory provisions governing public employment of persons with disabilities and prohibits expressly discrimination against certain persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 319, 525, 546, 559,* 954, 981, 1001.

377....Makes supplemental appropriations to department of commerce for certain expenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 319, 485, 505, 511, 518,* 867, 890.

378....Directs legislative commission to conduct interim study concerning financing of construction, maintenance and repair of highways and roads in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Humke, Dini, Hettrick, Marvel, Regan, Tiffany, Gregory, Ernaut, Chowning, Collins, McGaughey, Schneider, Carpenter, Petrak, Toomin, Heller, Augustine, Neighbors, Arberry, Spitler, Lambert, Gibbons, Smith, Porter, Garner, Perkins, Giunchigliani, Haller, Bennett, Segerblom, Wendell Williams, Price, de Braga, Myrna Williams and Bonaventura. 320, 1430, 1437, 1443, 1444, 1880, 1889, 1903, 1921, 1926,* 2016.

379....Revises provisions regarding windshields and front windows in motor vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Chowning, Toomin, Humke, Hettrick, Haller, Carpenter, Petrak, Segerblom, Collins, Giunchigliani, Price, Marvel, Dini, Perkins, Heller, Myrna Williams, Tiffany, Evans, Ernaut, de Braga, Gregory, Bonaventura, Augustine, Bache, Anderson, McGaughey, Smith, Freeman, Regan, Neighbors, Bennett, Kenny and Schneider. 329, 655, 671, 693, 705, 754, 756, 793, 794,* 1431, 1472, 1601, 1627, 1813, 1908.

380....Requires provision for review by arbitrator of certain disciplinary actions in plan of civil service adopted by Airport Authority of Washoe County. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Haller and Bache. 329, 330.

381....Prohibits person who developed campaign strategy for successful legislative candidate from acting as lobbyist. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance:

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No. de Braga, Giunchigliani, Evans, Petrak, Segerblom, Wendell Williams, Freeman, Lambert, Scherer, Haller, McGaughey, Hettrick, Heller, Perkins, Regan, Collins, Price, Arberry, Ernaut, Toomin, Gibbons, Kenny, Smith and Neighbors. 330.

382....Prohibits former legislator from serving as lobbyist for one regular session after termination of service in legislature. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. de Braga, Giunchigliani, Evans, Petrak, Segerblom, Wendell Williams, Lambert, Scherer, Chowning, Haller, McGaughey, Hettrick, Heller, Perkins, Regan, Collins, Price, Arberry, Ernaut, Humke, Toomin, Gibbons, Smith and Neighbors. 330.

383....Revises definition of "child care facility." Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 330, 667, 683, 705,* 1376, 1422, 1454.

384....Makes certain changes to requirements for certification as certified public accountant. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 330, 712, 727, 739, 740,* 1068, 1130.

385....Creates cause of action for death of or substantial bodily injury to employee caused by employer's willful violation or gross negligence related to occupational safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Anderson, Evans, Bache, Collins, Porter, Bennett, Freeman, Sader, Bonaventura, Giunchigliani, Perkins, Petrak, Kenny, Smith, Regan, Toomin and Haller. 331.

386....Revises provisions of Senate Bill No. 97 of this session concerning management of solid waste. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 333, 520, 538, 559,* 560, 1717, 1845, 2051.

387....Makes various changes concerning corporations and similar entities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 343, 750, 768, 783, 853, 868,* 1410, 1523, 1572.

388....Makes various changes to provisions governing administrative assessments for misdemeanors. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 343, 592, 605, 607.

389....Makes various changes related to procedures for determining percentage of alcohol in person's blood, urine or breath. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 343, 525, 546, 567, 588,* 1627, 1702, 1796.

390....Includes public health agencies within scope of certain provisions governing actions against providers of health care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 343.

391....Revises provisions governing delegation by state board of parole commissioners of its authority to hear applications for parole. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 343.

392....Creates crime of vehicular manslaughter. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 343, 344.

393....Permits imposition of sentence without presence of defendant under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 344, 592, 607, 633, 634,* 636, 642, 1176, 1469, 1523.

394....Makes changes in rate and manner of payment of business tax. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 344, 1389, 1393, 1398, 1416, 1423, 1464, 1485,* 1711, 1871.

395....Makes various changes relating to capital improvements financed by taxes ad valorem. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 344, 711, 727, 735, 741,* 1799, 1840, 2051.

396....Reduces insurance premium tax on insurance policies issued to state or its political subdivisions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 344.

397....Provides procedure to verify preferences claimed by bidders on public contracts on account of taxes paid. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 344.

398....Requires licensing of operators of large boilers in schools. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 344, 345, 931, 934, 939, 974*.

399....Regulates university foundations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 345.

400....Regulates university foundations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 345.

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435....Revises provisions governing alimony and adjudication of property rights upon divorce. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 405, 457, 465, 475, 476,* 1711, 1792, 2010, 2011, 2025, 2050.

436....Makes various changes to provisions governing unemployment compensation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 405, 406, 594, 608, 615,* 1068, 1121, 1155.

437....Abolishes state industrial insurance system and recreates Nevada industrial commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 406.

438....Revises provisions of Senate Bill No. 307 of this session to limit authorization for creating and financing park districts to certain larger counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 406, 520, 539, 548,* 880, 912.

439....Requires certain employers to enter into agreements with labor organizations to require employees who are not members of labor organizations to pay fee for costs related to collective bargaining. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Collins, Regan, de Braga, Segerblom, Bonaventura, Price, Anderson, Bache, Perkins, Giunchigliani, Smith, Petrak, Porter, Arberry, Toomin, Wendell Williams, Kenny, Sader, Haller, Chowning and Myrna Williams. 413.

440....Revises provision restricting smoking in public buildings. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price, McGaughey, Collins, Spitler, Arberry, Gibbons, Humke, Tiffany, Anderson, Bache, Lambert, Hettrick, Heller, Petrak, Perkins, de Braga, Wendell Williams, Bennett, Augustine, Bonaventura, Chowning, Ernaut, Evans, Freeman, Haller, Porter, Scherer and Segerblom. 413.

441....Authorizes creation of municipal library district in North Las Vegas. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 416, 602, 621, 651, 657, 665,* 880, 912.

442....Requires counties hiring permanent residents of United States to obtain certain documentation and makes various changes to provisions relating to employment of deputies of certain county officers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 416, 525, 547, 560,* 1950.

443....Authorizes city council when sitting as redevelopment agency to add mayor as member of agency. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 416, 525, 547, 560,* 880, 912.

444....Makes various changes relating to hospitals. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Spitler. 416, 987, 996, 1000, 1114, 1143,* 1600, 1615, 1739, 1861, 1908.

445....Provides for creation of earthquake safety council. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Bennett, Anderson, Carpenter, Humke, Lambert, Chowning, Gibbons, Marvel, Myrna Williams, Haller, Ernaut, Evans, Freeman, Sader, Neighbors, Petrak, de Braga, Segerblom, Hettrick, Heller, Dini, Wendell Williams, Collins, Schneider, Gregory, Toomin, Perkins, Bonaventura, Augustine, Kenny, Garner, Bache, McGaughey, Spitler, Giunchigliani, Arberry, Regan, Price, Smith, Scherer and Tiffany. 417, 866, 885, 886.

446....Requires fee for analysis of controlled substance be collected from certain defendants before or at same time that any fine is collected. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 417.

447....Provides and proposes exemptions from taxes to promote use of alternative fuels in vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 417.

448....Revises exemption from business tax for proposed businesses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Evans, Price, Spitler, Petrak, Lambert, Regan, Kenny, Arberry, Marvel, Chowning, Garner, Gregory and de Braga. 417, 960, 972, 992, 993,* 1600, 1672.

449....Requires state treasurer to adopt regulations which he deems necessary to carry out his duties relating to public investments and authorizes state treasurer to lend securities under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ernaut, Marvel, Hettrick, Heller, Gibbons, Anderson, McGaughey, Chowning, Neighbors, Carpenter, Lambert, Bache, Bennett, Regan, Price, Giunchigliani, Smith, Freeman, Garner, Arberry, Spitler, Perkins, Petrak, Augustine, Collins, Porter, Gregory, Evans, Haller, Segerblom, Humke, Toomin, Kenny and Schneider. 420.

450....Requires state treasurer to adopt regulations which he deems necessary to carry out his duties relating to deposit of public money. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ernaut, Marvel, Hettrick, Heller, Gibbons, Anderson, McGaughey,

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Chowning, Neighbors, Carpenter, Lambert, Bache, Regan, Price, Giunchigliani, Smith, Freeman, Garner, Arberry, Spitler, Perkins, Petrak, Augustine, Collins, Porter, Gregory, Evans, Haller, Segerblom, Humke, Scherer, Toomin, Kenny and Schneider. 420.

451....Revises various provisions relating to state treasurer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ernaut, Heller, Tiffany, Price, Giunchigliani, Anderson, Bache, Lambert, Smith, Garner, Arberry, Spitler, de Braga, Regan, Perkins, Petrak, Bonaventura, Augustine, Collins, Bennett, Porter, Marvel, Gregory, Evans, McGaughey, Haller, Chowning, Segerblom, Humke, Scherer, Toomin, Gibbons, Kenny, Schneider and Hettrick. 421.

452....Requires testing of pregnant women for hepatitis and immunization of infants in certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. de Braga, Evans, Sader, Giunchigliani, Heller, Petrak, Perkins, Regan, Bonaventura, Collins, Wendell Williams, Price, Gregory, Marvel, Bennett, Garner, Freeman, Smith, Lambert, Bache, Haller, Tiffany, Humke, Toomin, Gibbons, Anderson, Chowning, Arberry, Spitler, Porter, Ernaut, Schneider, Segerblom, Myrna Williams and Scherer. 425.

453....Makes appropriation to Mineral County School District for construction of school on Walker River Indian Reservation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Neighbors. 429.

454....Revises provision governing credit for school teacher's previous service in determining salary of teacher. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 430, 593, 608, 615,* 892, 927.

455....Requires sworn identification to accompany lien. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Scherer, Chowning, Anderson, Tiffany, Bache, Lambert, Smith, Garner, Spitler, Arberry, Price, Collins, de Braga, Regan, Perkins, Heller, Petrak, Hettrick, Bonaventura, Augustine, Ernaut, Giunchigliani, Wendell Williams, Marvel, Gregory, Bennett, Gibbons, Haller, Humke, Porter, Segerblom and Schneider. 433, 1533, 1565, 1574, 1580, 1581,* 1583.

456....Makes various changes to provisions governing business tax. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Scherer, Chowning, Anderson, Tiffany, Lambert, Smith, Bache, Freeman, Price, Regan, Petrak, Hettrick, Bonaventura, Augustine, Ernaut, Collins, Marvel, Gregory, Gibbons, Haller, Humke, de Braga, Segerblom, Schneider, Giunchigliani, Dini and Spitler. 433, 434, 1800, 1822, 1826, 1878, 1879,* 1881, 2025, 2026.

457....Makes various changes relating to educational courses on abuse of alcohol and controlled substances and courses of traffic safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Scherer, Marvel, Gregory, Spitler, Chowning, Freeman, Garner, Arberry, Bennett, Anderson, Gibbons, Haller, Humke, Bache, Collins, Augustine, de Braga, Regan, Perkins, Petrak, Hettrick, Bonaventura, Segerblom, Schneider, Giunchigliani, Dini and Lambert. 434, 1627, 1633, 1679, 1682,* 1683.

458....Provides exemption for Indian reservations and Indian colonies from imposition of certain taxes on motor vehicle fuel and special fuel under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 439.

459....Makes various changes relating to health care records. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gibbons (by request). 441, 1012, 1050, 1119,* 1431, 1486.

460....Requires counties to use level signifying poverty for Nevada in determining eligibility of indigent persons for financial and medical assistance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gibbons (by request). 441.

461....Provides in certain counties for protection of domestic wells from impairment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gibbons. 441, 1600, 1607, 1609, 1628, 1629, 1630*.

462....Requires suppliers of mobile telephone service to provide free access to emergency telephone numbers and provides penalties for theft of mobile telephone service. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Smith, Kenny, Anderson, Collins, Petrak, Arberry, Regan, Wendell Williams, Segerblom, de Braga, Neighbors, Ernaut, Heller, Gibbons, Freeman, Garner, Lambert, Tiffany, Evans, McGaughey, Porter, Schneider, Carpenter, Bache, Chowning, Haller, Giunchigliani, Toomin, Gregory, Bennett, Price, Augustine, Bonaventura, Hettrick, Marvel, Sader, Humke and Myrna Williams. 441, 442, 750, 783, 812,* 1376, 1423, 1454.

463....Revises provisions governing participation of criminal defendants in programs for treatment of alcohol or drug abuse. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 442, 1003, 1051, 1119, 1457, 1463, 1488, 1495,* 1496, 1627, 1708.

464....Prohibits harboring children who run away from home. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 442, 789, 809, 838*.

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465....Requires payment of restitution for expenses related to extradition under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 442, 616, 629, 664,* 665, 1068, 1470, 1523.

466....Establishes preferred employee program for rehabilitation of injured employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 448.

467....Makes various changes relating to cosmetology. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 448.

468....Makes various changes relating to powers and duties of board of trustees of consolidated library district. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Wendell Williams, Porter, Arberry, McGaughey, Bache, Freeman, Smith, Toomin, Collins, Chowning, Haller, Scherer, Anderson, Gibbons, Schneider, Petrak, Price and Carpenter. 458, 1114, 1139, 1182, 1183,* 1184, 1717, 1794, 1908, 1909, 2011, 2034.

469....Ratifies technical corrections made to NRS and Statutes of Nevada 1991. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 462, 854, 875, 882,* 883, 1132, 1173.

470....Substitutes continuing reporting for prior approval of foreign gaming. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 462, 592, 608, 637,* 802, 827.

471....Imposes fee on solicitation by telephone and provides for additional regulation of such solicitation. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Anderson, Toomin, Segerblom, Evans, Petrak, Regan, Haller, Wendell Williams, Giunchigliani, Arberry, Price, Perkins, Sader, Carpenter, Myrna Williams, Chowning, Bache, McGaughey, Lambert, Garner, Marvel, de Braga, Heller, Hettrick, Schneider, Ernaut, Neighbors, Kenny and Dini. 463.

472....Makes various changes relating to certain crimes committed in areas frequented by children. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 468.

473....Changes date for filing declaration of candidacy. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Toomin, Perkins, Regan, de Braga, Collins, Price, Garner, Smith, Bache, Tiffany, Scherer, Haller, McGaughey, Evans, Gregory, Marvel, Bennett, Wendell Williams, Augustine, Chowning, Arberry, Segerblom, Carpenter, Neighbors, Bonaventura, Schneider, Giunchigliani, Kenny, Gibbons, Hettrick, Petrak, Humke, Porter, Lambert, Dini, Spitler, Ernaut and Freeman. 469.

474....Requires industrial insurance for employee leasing companies. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Collins, Sader, Chowning, Carpenter, Regan, Toomin, Petrak, Anderson, Smith, Garner, Arberry, de Braga, Perkins, Hettrick, Bonaventura, Segerblom, Neighbors, Myrna Williams, Schneider, Giunchigliani, Kenny, Wendell Williams, Bennett, Porter and Dini. 469, 928, 934, 949, 974, 1737, 1780, 1785, 1805, 1807,* 1809, 2025.

475....Imposes fees on beverages for use in removing or reducing litter. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Freeman, Price, Giunchigliani, Haller, Segerblom, de Braga and Kenny. 473.

476....Revises and makes permanent program for issuance of restricted nonresident deer tags. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter, Collins and Marvel. 480, 655, 672, 685,* 914, 953.

477....Prohibits inclusion in policy of health insurance of provision which requires payment of deductible for coverage of certain young children. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 482.

478....Revises provisions relating to speed limit in school zone. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Spitler. 485.

479....Limits circumstances under which certain benefits for injured employees are exclusive remedy for subcontractors, independent contractors, their employees and employees of principal contractors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 486.

480....Makes various changes related to collection agencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 486, 1737, 1739, 1743, 1805, 1807,* 1809, 1950.

481....Makes various changes regarding eligibility for and priority of mechanics' liens. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 486, 592, 608, 637,* 1600, 1703, 1796.

482....Establishes procedure whereby certain mobile homes may be converted from real to personal property for purpose of taxation. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 486, 866, 886, 923,* 1600, 1672.

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483....Makes various changes concerning mobile and manufactured homes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 486, 1525, 1531, 1544, 1574, 1581,* 1583, 1711, 1871.

484....Makes various changes relating to land use planning with respect to manufactured homes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 487.

485....Makes various changes regarding manufactured homes, mobile homes and similar structures. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 487, 853, 875, 904, 1379, 1381, 1411,* 1429, 1600, 1615, 1672.

486....Eliminates exception to requirement that court exonerate obligor and release bail upon sentencing of defendant. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 487, 954, 972, 993,* 1376, 1409.

487....Requires filing of post-conviction petition for writ of habeas corpus in county where conviction occurred. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 487, 555, 567, 582, 583,* 691, 708.

488....Provides for expedited release from prison of terminally ill or physically incapacitated prisoners. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 487, 822, 834, 860, 2016.

489....Requires attorney general to pay expenses to extradite person located outside United States. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 488, 555, 567, 583,* 802, 827.

490....Prohibits driving if subsequent test shows presence of alcohol. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 488, 690, 702, 716, 730,* 1068, 1130.

491....Makes various changes concerning crime of driving under influence of intoxicating liquor or controlled substance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 488.

492....Makes various changes relating to support for dependent children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 488, 573, 587, 611,* 1068, 1130.

493....Provides for reimbursement of county by offender for services to victim of sexual assault. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 488.

494....Provides for registration of securities exchanges located in Nevada Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bonaventura, Perkins, Dini, Segerblom, Hettrick, Petrak, Carpenter, Neighbors, Ernaut, Schneider, Augustine, Regan, Kenny, Humke, Haller, McGaughey, Evans, Gregory, Sader, Garner, Smith, Bache, Anderson, Price and Arberry. 494, 811, 824, 825, 885, 888, 923, 924,* 1908, 1915.

495....Makes appropriation to Washoe County school district for Family Focus Center at Glenn Duncan Elementary School. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Freeman. 497.

496....Revises provisions relating to publication and dissemination of campaign material. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Hettrick, Dini, Marvel, Garner, Tiffany, Lambert, Gregory, Heller, Giunchigliani, Bennett, Haller, Perkins, Wendell Williams, Segerblom, Toomin, Kenny, Augustine, McGaughey, Anderson, Ernaut, Regan, Carpenter, Gibbons, Smith, Bache, Spitler, Collins, Schneider, de Braga, Arberry, Neighbors, Chowning, Scherer, Petrak, Humke, Evans, Price, Freeman, Myrna Williams and Porter. 498.

497....Limits, in certain counties, period for which vehicle may be used as taxicab. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Perkins (by request). 510.

498....Provides for agreements between certain providers of health care concerning provision of services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 510.

499....Revises penalties for driving under influence of intoxicating liquor or controlled substance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 510, 984, 1008, 1069,* 1627, 1703, 1796.

500....Authorizes issuance of fictitious driver's license to federal agent or investigator employed by attorney general for undercover investigation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Effect less than $2,000. Committee on Transportation. 511, 1115, 1140, 1184,* 1600, 1672.

501....Revises period during which bail bond must extend. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 511, 592, 609, 610.

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502....Makes various changes to provisions governing support of dependent children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 515, 623, 651, 665, 685,* 984, 1012.

503....Authorizes welfare division of department of human resources to recover benefits paid for assistance to medically indigent. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 516, 846, 857, 882, 956, 959, 993,* 1431, 1486.

504....Revises requirement to mark area of proposed excavation or demolition. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 516, 747, 751.

505....Makes various changes to provisions regulating campaign practices. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 516.

506....Increases required period of residence for candidates for certain public offices. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Toomin, Gibbons, Dini, Chowning, Segerblom, Neighbors, Carpenter, Hettrick, McGaughey, Collins, Smith, Regan, Kenny, Giunchigliani, Schneider, Wendell Williams, Evans, Haller, Bennett, Arberry, Humke, Anderson, Freeman, Garner, de Braga, Petrak, Gregory and Marvel. 516.

507....Establishes system for verifying that owners of motor vehicles maintain mandatory proof of financial responsibility. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 516, 928, 961, 993, 1065, 1437, 1451, 1457, 1459*.

508....Requires furnishing additional information to subject of credit report. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Giunchigliani, Arberry, Perkins, Chowning, Heller, Price, Kenny, Myrna Williams, Toomin, Segerblom, Carpenter, Neighbors, Ernaut, Schneider, Bennett, Bonaventura, Hettrick, Petrak, Bache, Haller, Garner, Evans, Collins, Anderson, Sader, Regan, Porter, de Braga, McGaughey, Wendell Williams, Humke and Tiffany. 520.

509....Authorizes certain older or mentally disabled persons to cancel specified contracts within prescribed periods. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Ernaut, Bache, Price, Haller, Petrak, Lambert, de Braga, Smith, McGaughey, Garner, Anderson, Neighbors, Dini, Segerblom, Perkins, Regan, Marvel, Humke, Wendell Williams, Tiffany, Toomin, Myrna Williams and Bennett. 520, 1626, 1633, 1635, 1679, 1684, 1711, 1713,* 1714.

510....Makes various changes related to dismantling and towing of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 521, 1627, 1633, 1637, 1679, 1684,* 1685, 1686.

511....Prohibits delivery of unsolicited commercial advertisements to person's residence under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 522.

512....Requires political parties and their committees to report contributions received. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Heller, Gibbons, Ernaut, Chowning, Toomin, Hettrick, Spitler and Regan. 534.

513....Makes various changes relating to practice of physical therapy. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 534, 1832, 1846, 1847, 1881,* 2037.

514....Requires legislative auditor to conduct performance audit of Clark County election department. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Bache, Porter, Petrak, Segerblom, McGaughey, Kenny, Collins, Scherer, Chowning, Smith, Tiffany, Schneider, Gregory, Arberry, Price, Bonaventura, Bennett, Toomin, Garner, Spitler, Perkins, Regan, Wendell Williams, Augustine, Giunchigliani and Myrna Williams. 535.

515....Makes appropriation to City of Las Vegas for restoration of historic Moulin Rouge Hotel and Casino. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Wendell Williams and Arberry. 535.

516....Makes appropriation to department of human resources for tutorial program at Doolittle Community Center. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Wendell Williams and Arberry. 535.

517....Allow employee to be represented at certain hearings by person of his own choosing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 544, 690, 702, 729,* 1068, 1130.

518....Provides for patient's right to choose alternative therapy for health care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick (by request). 544.

519....Increases certain minimum mandatory penalties for driving under influence of intoxicating liquor or controlled substance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 544.

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520....Accommodates provision for dividing income and property of married couple to federal requirements. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 545, 1384, 1396, 1399, 1416, 1423, 1424, 1425,* 1429, 1908, 1915.

521....Revises provisions governing penalty hearings upon conviction for first-degree murder. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 552.

522....Makes various changes regarding program for court- annexed arbitration. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 552, 592, 610, 615,* 867, 890, 961, 1408, 1416, 1424,* 1429, 1456, 1572.

523....Revises exclusive jurisdiction of family court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Humke, Myrna Williams, Evans, Marvel, Spitler, Bennett and Sader. 552, 710, 727, 735, 741,* 1115, 1155.

524....Makes violation of certain provisions concerning industrial insurance punishable as felony under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Scherer. 556.

525....Extends statute of limitations for prosecution of sexual abuse of child under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Scherer. 556, 680, 692, 705, 706,* 820, 842.

526....Expands requirements for reporting abortions and provides penalty for failure to comply. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Collins, Scherer, Hettrick, McGaughey, Bonaventura, Carpenter, Petrak, Wendell Williams and Tiffany. 558.

527....Authorizes school districts to establish alternative programs for education of pupils at risk of dropping out of high school. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 566, 680, 692, 717,* 954, 983.

528....Makes various changes relating to campaign contributions and expenditures. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Toomin, Anderson, Segerblom, Neighbors, Perkins, Lambert, Smith, Gibbons, Petrak, Bache, Evans, Hettrick, Myrna Williams, Humke, Giunchigliani, de Braga and Augustine. 569, 1014, 1073, 1143, 1386, 1391, 1392*.

529....Requires board of trustees of school district to establish program of instruction relating to child abuse for younger pupils. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Kenny, Porter, Wendell Williams, Giunchigliani, Evans, Chowning, de Braga, Perkins, Bache, Collins, Anderson, Smith, Bonaventura, Carpenter, Lambert, Haller, McGaughey, Segerblom, Hettrick, Toomin, Petrak, Humke, Tiffany, Garner, Ernaut, Neighbors, Gregory, Heller, Bennett, Freeman, Myrna Williams, Augustine, Marvel, Spitler, Schneider, Dini, Regan, Arberry, Sader, Gibbons, Scherer and Price. 569, 711, 728, 740,* 984, 1012.

530....Revises provisions governing amount of money paid to jurors and witnesses for their service and travel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neighbors, Carpenter, Hettrick, Segerblom and Marvel. 570, 929, 934, 950, 975,* 1431, 1486.

531....Limits circumstances under which special elections may be held. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Petrak, Regan, Arberry, Anderson, Spitler, Smith, Kenny, Toomin, Haller, Chowning, Perkins, Myrna Williams, Porter, Wendell Williams, Evans, Gregory, de Braga, Carpenter, Hettrick, Bonaventura, Heller, McGaughey, Bennett, Marvel, Lambert, Gibbons, Giunchigliani and Garner. 574, 845, 858, 867, 869,* 1627, 1647, 1708.

532....Allows federal law enforcement agencies to obtain name and address of person in records of public utility. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 574.

533....Revises certain fees collected from restricted gaming licensees to correspond to fees collected from nonrestricted licensees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 582.

534....Adopts formula to determine mobility of pupils and makes appropriation to department of education for distribution to county school districts for reimbursement of related expenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Bache, Anderson, Smith, Giunchigliani, Chowning, Neighbors, Spitler, Haller, Price, Evans, Collins, Gregory, Kenny, Carpenter, Regan, Toomin, Humke, Arberry, Bonaventura, Hettrick, Perkins, de Braga, Freeman, Tiffany, Petrak, Bennett, Lambert, Wendell Williams, Segerblom, Garner and Sader. 583.

535....Expands class of publicly owned water systems eligible for grant for capital improvement. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter, Dini, Neighbors, de Braga, Marvel, Gibbons, Ernaut, Segerblom, Collins, Smith and Hettrick. 584, 750, 785, 794,* 1627, 1708.

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536....Makes appropriation to legislative counsel bureau for reproduction of certain publications. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 587, 1734, 1739, 1746, 1805, 1807,* 1809, 1874.

537....Designates Tule Springs State Park and Floyd Lamb Museum. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture and Mining. 594.

538....Revises provisions governing operation of watercraft in area where diver's flag is displayed. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 594, 1014, 1082, 1143,* 1144, 1488, 1572.

539....Requires itemized disclosure of certain expenditures by lobbyists. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Toomin, Gibbons, Chowning, Humke, Scherer, Segerblom, de Braga, Wendell Williams, Petrak, Hettrick, Collins, Lambert, Haller, Freeman, Evans, Neighbors, Kenny, Gregory, Spitler, Price, Heller, Smith, Bache, Tiffany, Anderson, Myrna Williams, Giunchigliani and Carpenter. 595.

540....Authorizes expedited temporary orders for protection against domestic violence under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 595, 845, 859, 883,* 1176, 1382.

541....Revises provisions governing content of regulations relating to centers for treatment of trauma. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 598.

542....Requires state agencies and political subdivisions of state to take certain precautions to avoid taking of private property. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. de Braga, Carpenter, Marvel, Collins, Regan, Bache, Haller, Lambert, Gibbons, Kenny, Garner, Evans, McGaughey, Wendell Williams, Hettrick, Schneider, Neighbors and Petrak. 598, 599.

543....Makes various changes relating to construction, alteration or repair of school by school district Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 603, 1003, 1052, 1119,* 1627, 1704, 1796.

544....Excludes certain fire extinguishers from licensing requirements. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 604.

545....Provides manner of determining value of certain possessory interests for imposition of property taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 604.

546....Establishes procedure to allow person who provides express warranty to post performance bond to guarantee terms of warranty. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Scherer, Bache, Lambert, Anderson, Tiffany, Garner, Arberry, Price, Collins, de Braga, Regan, Segerblom, Petrak and Carpenter. 617, 618.

547....Authorizes governor to establish toll-free telephone number to receive suggestions from members of general public. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Scherer, Ernaut, Petrak, Tiffany, Haller, Chowning, Smith, Gibbons, Gregory, Heller, Humke, Bonaventura, Toomin, Collins, Augustine, Bache, Hettrick, Perkins, de Braga, Bennett, Anderson, Porter, Freeman, Garner, Sader, Arberry, Spitler, Price, Regan, Segerblom and Carpenter. 618, 831, 848, 868,* 869.

548....Prohibits collection agencies from reporting claims to credit reporting agencies. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Bache, Giunchigliani, Arberry, Segerblom, Carpenter, Schneider, Kenny, Haller, Hettrick, Bonaventura, Perkins, Regan, Anderson, Toomin, McGaughey, Neighbors, Spitler, Collins, de Braga, Petrak, Price, Chowning, Wendell Williams, Gibbons, Gregory, Evans, Smith, Scherer, Porter, Garner and Humke. 618.

549....Revises method for determining percentage of disability resulting from industrial injury and manner for payment in lump sum of compensation for that disability. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 618.

550....Revises authority of regional transportation commissions to adopt regulations for operation of systems or services financed by commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 618, 619, 929, 963, 975,* 1627, 1708.

551....Changes factors for determining when person who has exceeded national speed limit is guilty of unnecessary waste of resource currently in short supply. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick (by request). 619.

552....Makes various changes relating to recall of public officers. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 619, 1737, 1739, 1747, 1805, 1808,* 1809, 1950.

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553....Increases compensation of certain hospital trustees. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 624, 928, 934, 950, 975,* 1431, 1486.

554....Makes appropriation to department of human resources for grants to organizations that provide prenatal care to low-income women. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Health and Human Services. 624.

555....Makes various changes relating to public employees' retirement system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 624, 625, 750, 785, 794,* 969, 1001.

556....Authorizes formation of multidisciplinary teams to investigate deaths of children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Scherer. 625, 1606, 1607, 1610, 1628, 1630,* 1717, 1871.

557....Establishes minimum rates of compensation for provision of clothing to foster child. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Humke, Myrna Williams, Chowning, Evans, Heller, Spitler, Arberry, Price, Dini, Scherer, Gibbons, Gregory and Toomin. 638.

558....Regulates businesses for repair of motor vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Petrak, Toomin, Augustine, Chowning, Kenny, de Braga, Bonaventura, Smith, Regan, Wendell Williams, Anderson, McGaughey, Segerblom, Gregory, Giunchigliani, Price, Bache, Evans, Porter, Sader, Bennett, Perkins, Hettrick, Myrna Williams, Arberry, Heller, Garner, Humke and Freeman. 641, 642, 1644, 1653, 1679, 1685,* 1686.

559....Requires department of motor vehicles and public safety to establish procedures for voluntary surrender and subsequent reinstatement of driver's license. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Tiffany, Smith, Kenny, Myrna Williams, Gregory, Bache, Anderson, Lambert, Freeman, Garner, Scherer, Price, Heller, Humke, Chowning, Perkins, Spitler, Dini, Arberry, Marvel, Gibbons, McGaughey, Collins, Hettrick, de Braga, Ernaut, Bonaventura, Petrak, Neighbors, Segerblom, Regan, Bennett, Schneider, Evans, Toomin, Giunchigliani, Porter and Wendell Williams. 649, 1780.

560....Provides standards for setting aside of reserves to meet financial emergencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 649.

561....Makes various changes relating to appraisers of real estate. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Executive Budget. Committee on Ways and Means. 649, 882, 901, 924,* 1176, 1382.

562....Prohibits commission on economic development from recommending person for employment with motion picture company. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 650, 1432, 1437, 1444, 1457, 1459*.

563....Makes various changes relating to industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 650, 1626, 1633, 1638, 1679, 1685,* 1686.

564....Provides for local choice concerning performance of unfunded state mandates. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gibbons, Marvel, Humke, Ernaut, Carpenter, Regan, Lambert, Gregory, Segerblom, McGaughey, Toomin, Scherer, Wendell Williams, Porter, Neighbors, Schneider, Perkins, Tiffany, Heller, Haller, Augustine, Hettrick and Kenny. 650.

565....Allows different designation of license plates for Pearl Harbor survivors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 656, 1132, 1161, 1372,* 1627, 1708.

566....Makes various changes relating to commission on ethics. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 658.

567....Provides manner of assessing value of certain possessory interests for imposition of property taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 658.

568....Provides financial incentive to prevent dropouts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Humke, Giunchigliani, Heller, Chowning, Price, Tiffany, Marvel, Haller, Lambert, Carpenter, Garner, Bennett, Toomin, Evans, Gregory, Gibbons, Anderson, Bache, Smith, Freeman and Dini. 658.

569....Makes various changes relating to regulation of insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Executive Budget. Committee on Commerce. 658, 1608, 1614, 1616, 1628, 1630,* 1950, 1956.

570....Makes various changes relating to physical therapy. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 659.

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571....Requires specified insurers who do not pay approved claim relating to certain policies, contracts or plans of insurance within statutory period to pay full amount of claim without specified discounts or deductions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 659.

572....Permits accountants to practice as limited-liability company. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 659.

573....Establishes monetary cap for certain impact fees and expands uses of impact fees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 659.

574....Clarifies that coverage for medical expenses under policy of motor vehicle insurance is primary. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 660, 754, 785, 794*.

575....Consolidates provisions conferring powers of peace officer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 660, 1137, 1159, 1182, 1185, 1390,* 2016, 2017.

576....Revises penalties for violations of certain statutes governing securities and commodities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 660, 721, 737, 747, 752,* 1196, 1471, 1523.

577....Allows registered voter to vote at county office during week preceding election. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Segerblom, Petrak, Neighbors, Bonaventura, Chowning, Anderson, Carpenter, Hettrick, Heller, Freeman, Wendell Williams, Myrna Williams, Perkins, Toomin, Ernaut, Schneider, Humke, Lambert, Kenny, Augustine, Gibbons, McGaughey, de Braga, Smith, Marvel and Sader. 660.

578....Requires state board of education to establish course of study in adult roles and responsibilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Perkins, Kenny, Heller, Petrak, Bonaventura, Hettrick, Tiffany, Schneider, Lambert, Carpenter, Giunchigliani, Marvel, Toomin, Humke, Gregory, Ernaut, Neighbors, Gibbons, Freeman, Chowning, Price, Evans, Bache and Myrna Williams. 660, 1068, 1115, 1171,* 1711, 1871.

579....Prohibits insurer from basing rates for motor vehicle insurance upon factors other than year, make and model of insured vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Arberry, Wendell Williams, Price, Collins, de Braga, Garner, Augustine, Porter, Haller, Toomin, Perkins, Anderson, Bache, Chowning, Neighbors, Carpenter, Evans, McGaughey, Freeman, Hettrick, Heller, Humke, Gregory, Myrna Williams, Giunchigliani, Petrak, Sader, Bennett, Smith, Lambert, Dini and Segerblom. 661.

580....Sets goals and means for aid to dependent children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Executive Budget. Committee on Health and Human Services. 670.

581....Requires superintendents of Nevada youth training center and Caliente youth center to notify public upon escape or apprehension of inmate. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 670, 984, 1009, 1069, 1070,* 1410, 1454.

582....Authorizes manufactured housing division of department of commerce to issue limited license for serviceman. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 670, 827, 836, 850,* 1196, 1409.

583....Authorizes contracts for assisted conception and provides for determination of parentage under such contracts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Freeman (by request). 670, 1410, 1426, 1431, 1435,* 1717, 1871.

584....Requires state board of education to establish program of instruction in prevention of suicide. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 676, 867, 887, 924,* 1711, 1871.

585....Revises certain provisions concerning discovery in criminal prosecutions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 676.

586....Revises provision limiting number of hours employee may work in underground mine. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neighbors, Dini, Marvel, Gibbons, Regan, Carpenter, Petrak, Ernaut, Anderson, Segerblom, Hettrick, Toomin, Heller, Chowning, Collins, Scherer, Lambert, McGaughey, Bache, Bonaventura, Price, Giunchigliani, Evans, Sader, Smith, de Braga, Kenny, Arberry, Bennett, Perkins, Wendell Williams, Humke, Schneider, Garner, Augustine, Spitler, Tiffany, Haller, Myrna Williams, Porter and Gregory. 681, 932, 963, 975, 976,* 1196, 1409.

587....Authorizes University of Nevada System to construct public works without using services of state public works board. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Regan, Schneider, Chowning, Hettrick, Toomin, Carpenter, Petrak, Bache, Bonaventura, Spitler, Price, Haller, Gregory and Humke. 682.

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588....Makes various changes relating to certified public accountants. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ernaut, Hettrick, Schneider, Gregory, Haller, McGaughey, Anderson, Heller, Segerblom, Gibbons, Toomin, Augustine, Petrak, Wendell Williams, Bonaventura, Regan, Price, Garner, Lambert, Humke, Marvel, Chowning, Giunchigliani, Tiffany, Arberry, Bache and Smith. 682, 827, 836, 850,* 1068, 1130.

589....Requires board of regents to establish program of student teaching and practicum. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. de Braga, Segerblom, Neighbors, Bonaventura, Ernaut, Hettrick, Toomin, Chowning, Anderson, Smith, Wendell Williams, Giunchigliani, Lambert, Humke, Tiffany, Petrak, Carpenter, Freeman, Gibbons, Porter, Bennett and Haller. 682, 867, 887, 924,* 1627, 1708.

590....Expands jurisdiction of taxicab authority to include certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 682.

591....Makes various changes relating to public employees' retirement system. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 686.

592....Adjusts fees charged by local governments for certain services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 687, 1389, 1396, 1401, 1403, 1710, 1780, 1788, 1805, 1808,* 1809, 2016, 2020.

593....Revises provisions relating to investigation of alleged misconduct of peace officer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Perkins, Heller, Petrak, Segerblom, Dini, Giunchigliani, Kenny, Chowning, Bonaventura, Bache, Collins, Gibbons, de Braga, Neighbors, Scherer, Price, Humke, Sader, Arberry, Spitler, Myrna Williams, Garner, Tiffany, Gregory, Bennett, Schneider, Wendell Williams and Anderson. 687, 866, 887, 904,* 1908, 1912.

594....Prohibits court from finding existence of implied agreement to hold certain property as if it were community property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 687.

595....Requires public agencies to comply with certain provisions concerning relocation assistance for persons displaced by project requiring acquisition of property. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 687.

596....Makes various changes to encourage education of illiterate offenders in custody of department of prisons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Regan, Anderson, Sader, de Braga, Giunchigliani, Kenny, Bache, Haller, Chowning, Wendell Williams, Perkins, Freeman, Bonaventura, Price, Myrna Williams, Smith, Evans, Toomin, Petrak, Garner, Collins, Bennett, Schneider, Dini, Porter, Segerblom, Neighbors, Arberry, Spitler, Hettrick, Carpenter, Marvel, Scherer, Gregory, Tiffany, Augustine, Heller, Ernaut, Gibbons, Humke, Lambert and McGaughey. 687, 688, 1384, 1396, 1403, 1405, 1869, 1878, 1879,* 1881, 2016.

597....Requires state contractors' board to maintain record and provide information concerning certain complaints, disciplinary action and lawsuits regarding contractors licensed by board. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Tiffany, Anderson, Chowning, Haller, Bache, Lambert, Smith, Collins, Heller, Toomin, Carpenter, Neighbors, Ernaut, Hettrick, Petrak, Bonaventura, Augustine, Wendell Williams, Bennett, Schneider, Sader, Garner, Marvel, Gregory, Evans, Scherer, Humke, Gibbons and Arberry. 691.

598....Requires establishment of program of regimental discipline for certain juvenile offenders. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Kenny. 691, 1137, 1162.

599....Provides for licensure and regulation of professional counselors. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Bennett. 691.

600....Makes various changes relating to taxation of intoxicating liquor on Indian reservation or colony. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 692.

601....Provides civil penalty and increased criminal penalty for violation of certain provisions concerning unauthorized interception of services of community antenna television company for commercial advantage. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Hettrick, Chowning, Ernaut, Petrak, Heller, Perkins, Bonaventura, Collins, Arberry, de Braga, Kenny, Marvel, Giunchigliani, Toomin, Segerblom, Neighbors, Anderson, Tiffany, McGaughey, Scherer, Schneider, Regan, Carpenter, Gregory, Augustine, Price, Sader, Dini, Gibbons, Humke, Lambert, Bache, Freeman and Evans. 696, 853, 876, 904,* 1196, 1409.

602....Makes various changes regarding payment of fees for treatment of indigent clients in state mental health facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 697, 1115, 1141, 1184,* 1627, 1708.

603....Coordinates provisions concerning contracts between public officer or employee and public agency. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 697, 1131, 1162, 1372,* 1874.

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640....Makes various changes relating to assessments and liens concerning property owned by Nature Conservancy. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 755, 1716, 1739, 1750, 1805, 1808,* 1809, 2016.

641....Provides specifically for certain consolidations of local governmental services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Giunchigliani, Kenny, Segerblom, Schneider, Toomin, Chowning, Gregory, Bennett, Augustine, Bache, Wendell Williams, Bonaventura, Porter, Petrak, Regan, Smith, Garner, Spitler, Collins, Price, de Braga, Heller, Hettrick, Myrna Williams, Carpenter, Neighbors, McGaughey, Evans, Anderson, Haller, Ernaut, Humke, Marvel, Freeman, Perkins and Dini. 756, 1131, 1164, 1169, 1170, 1372, 1373,* 1833, 1952.

642....Revises provisions requiring performance of appraisals before sale of real or personal property of any unincorporated town. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neighbors, Hettrick, Carpenter and Garner. 761, 1131, 1164, 1373, 1374,* 2037.

643....Requires superintendent of public instruction to establish pilot programs to develop internships which prepare pupils to serve as apprentices. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Price, Evans, Kenny, Ernaut, Schneider, Neighbors, Heller, Collins, de Braga, Smith, Petrak, Segerblom, Haller, Humke, Bache, Anderson, Chowning, McGaughey, Lambert, Regan, Gregory, Hettrick, Tiffany, Spitler, Porter, Arberry, Marvel, Wendell Williams, Freeman, Garner, Perkins, Bennett, Carpenter, Myrna Williams, Toomin, Augustine and Dini. 761, 1463, 1476, 1488, 1493, 1531, 1574, 1581,* 1583, 1627, 1708.

644....Expands authority of certain local governments to establish parking facilities and spaces. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 763, 1131, 1165, 1374,* 1627, 1708.

645....Makes various changes in regulation of dealers and other enterprises related to motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 763, 1627, 1633, 1642, 1679, 1685,* 1686, 1908.

646....Exempts certain purchases by specified state agencies from provisions of State Purchasing Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Augustine, Marvel, Gibbons, McGaughey, Haller, Humke, Tiffany, Scherer, Gregory, Smith, Lambert, Bache, Chowning, Toomin, Neighbors, Myrna Williams, Hettrick, Garner, Porter, Anderson, de Braga, Regan, Petrak, Segerblom, Carpenter, Bonaventura, Wendell Williams, Sader, Schneider, Giunchigliani, Kenny, Freeman, Bennett, Spitler, Perkins, Dini, Ernaut, Price, Heller and Evans. 787, 928, 963, 976, 1057.

647....Provides for liens on trailers and recreational vehicles under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 790, 1487, 1501, 1502, 1527, 1532,* 1533, 1717, 1871.

648....Makes various changes to program for education of motorcycle riders. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache. 790, 1359, 1389, 1416, 1424,* 1429, 1627, 1708.

649....Makes various changes related to restrictions on speed of traffic. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Hettrick (by request). 790.

650....Requires certain counties to elect county commissioners from districts. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Marvel. 791.

651....Authorizes state agencies to require employees to take involuntary leave without pay during periods of shortfalls in revenue. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 791.

652....Makes various changes relating to Carson City. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 791, 1175, 1360, 1408, 1416, 1424,* 1429, 1874.

653....Requires department of transportation to convey certain real property to United States for use of Walker River Paiute Tribe. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 791, 1131, 1166, 1374,* 1874.

654....Authorizes certain counties to establish department of family, youth and juvenile services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 791, 1003, 1057, 1120,* 1627, 1649, 1708.

655....Revises provisions relating to state lien on recovery of proceeds from person liable for illness or injury of recipient of assistance to medically indigent. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 792, 891, 920, 958,* 1431, 1486.

656....Expands authority of judges to reduce or suspend sentences of certain persons convicted of trafficking in controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 792.

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657....Revises provisions relating to reporting of campaign expenses. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Ernaut, Gibbons, Chowning, Perkins, Regan, Bache, Anderson, Lambert, Heller, Hettrick, Sader, Augustine, Schneider, Neighbors, Segerblom, Collins, Spitler, Freeman, de Braga, Evans, Marvel, Bennett, Kenny, Petrak, Tiffany, McGaughey and Toomin. 792.

658....Requires administrator of mental hygiene and mental retardation division of department of human resources to appoint person to assist victims of certain crimes and their families. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation Myrna Williams, Sader, Giunchigliani, Humke, Chowning, Toomin, Haller, McGaughey, Kenny, Gregory, Evans, Marvel, Porter, Anderson, Bache, Tiffany, Lambert, Smith, Freeman, Garner, Regan, Segerblom, Wendell Williams, Heller, Augustine, Spitler, Ernaut, de Braga, Neighbors, Perkins, Petrak, Bennett, Collins, Schneider, Price, Arberry and Dini. 793.

659....Requires operator of mining operation to obtain permit from department of wildlife before developing or maintaining artificial body of water which contains chemicals directly associated with processing of ore. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 811, 1175, 1411,* 1429, 1627, 1708.

660....Makes appropriation to Life Line Pregnancy Assistance and Vocational Training Center. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 811.

661....Makes various changes relating to unarmed combat. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 811, 882, 902, 925,* 1717, 1844, 1952.

662....Requires certain employers to report information to state industrial insurance system which identifies their individual employees. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 811, 1679, 1686, 1687, 1711, 1718, 1802, 1803,* 1805.

663....Provides for preference in hiring for public works for certain state residents. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Price, Collins, de Braga, Regan, Petrak, Segerblom, Spitler, Arberry, Bennett, Wendell Williams, Bonaventura, Schneider, Anderson, Porter, Bache, Chowning, Haller, Giunchigliani, Myrna Williams, Marvel, Humke, Toomin, Gibbons, Dini, Kenny, Neighbors, Freeman, Sader, Perkins, Evans, McGaughey, Smith, Lambert, Tiffany, Garner, Augustine, Hettrick, Heller, Carpenter, Ernaut and Gregory. 823.

664....Requires secretary of state to establish program for publication and distribution in certain districts of voter's pamphlet for 1994 general election. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Contains Appropriation. Freeman. 823.

665....Requires department of transportation to study alternative methods of establishing system of emergency telephones along most frequently traveled public highways. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Arberry, Augustine, Bennett, Bache, Porter, Sader and Price. 823, 1606, 1607, 1611, 1628, 1630,* 1908.

666....Allows public utility to recover expenses related to filing application for increase in rate, fare or charge. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Arberry. 823.

667....Makes certain changes concerning claims brought by prisoner or former prisoner to recover compensation for loss of his personal property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 824, 1463, 1467, 1488, 1495,* 1496, 1711, 1871.

668....Provides for coordination of services for protection from fire in large counties. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. McGaughey, Bache, Toomin, Kenny, Giunchigliani, Schneider, Carpenter, Haller, Collins, Regan, Marvel, Gregory, Petrak, Segerblom, Smith, Evans, Price, Anderson, Chowning and Lambert. 832.

669....Makes various changes relating to title to real property. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. McGaughey, Tiffany, Hettrick, Bache, Toomin, Kenny, Giunchigliani, Schneider, Ernaut, Carpenter, Haller, Collins, Regan, Marvel, Gregory, Augustine, Petrak, Segerblom, Smith, Evans, Price, Anderson, Chowning, Garner and Lambert. 832, 1137, 1166, 1374, 1389, 1393,* 1874, 1957.

670....Reorganizes Nevada rural housing authority. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel, Hettrick, Carpenter, Neighbors, de Braga and Dini. 832, 833.

671....Makes various changes to provisions governing employers insured by state industrial insurance system and prohibits system from insuring certain employers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 840.

672....Makes various changes to department of industrial relations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 840, 1056, 1083, 1144*.

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673....Requires state contractors' board to suspend license of contractor upon finding that contractor failed to maintain satisfactory record of safety in workplace. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 840.

674....Prohibits county or city from prohibiting certain persons from performing massages on persons of opposite sex in massage establishment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 841.

675....Makes various changes to charter of Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 841.

676....Shifts part of taxes for schools from sales to property in 2 fiscal years and repeals certain limitations on amount of revenue that may be received by local government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 841.

677....Makes various changes relating to punishment for crimes. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 854.

678....Authorizes department of prisons to confine in infirmary of department certain offenders who refuse medical treatment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 854, 855, 1115, 1141, 1184*.

679....Delays dates for adopting final budgets, setting tax rates and payment of first quarterly installment of property taxes for fiscal year 1993-1994. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 855.

680....Revises provision concerning appraisal of certain vehicles for purposes of local school support tax. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. McGaughey, Bache, Smith, Gibbons, Freeman, Ernaut, Gregory, Garner, Bennett, Regan, Carpenter, Segerblom, Lambert, de Braga, Anderson, Marvel, Evans, Chowning, Humke, Toomin, Kenny, Myrna Williams, Schneider, Neighbors, Petrak, Hettrick, Bonaventura, Arberry, Spitler, Price, Wendell Williams, Heller, Perkins, Giunchigliani and Tiffany. 855, 1627, 1633, 1642, 1679, 1685,* 1686, 1908, 1928.

681....Changes insurance code for insolvency of insurers and accreditation of department of insurance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Executive Budget. Committee on Commerce. 864, 1832, 1846, 1850, 1889, 1905, 1949, 1951*.

682....Makes changes concerning aid to dependent children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Evans, Chowning, Myrna Williams, Arberry, Price, Anderson, Bache, Regan, de Braga, Collins, Haller, Freeman, Petrak, Bennett, Smith, Toomin, Neighbors, Segerblom, Wendell Williams, Kenny, Porter, Gregory, McGaughey and Scherer. 864.

683....Repeals requirement of notice to customer of financial institution concerning subpena of financial records. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 870.

684....Expands scope of mandatory bargaining for teachers and certain persons employed by school districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache, Collins, Price, Chowning, Toomin, Smith, Anderson, Regan, de Braga, Segerblom, Haller, Arberry and Perkins. 870.

685....Authorizes each county to establish program to allow senior citizens to pay property taxes through provision of services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Garner, Petrak, Dini, Heller, Anderson, Hettrick, Bache, Smith, Regan, Perkins, Segerblom, Carpenter, Neighbors, Ernaut, Schneider, Scherer, Chowning, Haller, McGaughey, Evans, Gregory, Marvel, Arberry, Price, Spitler, Collins, Wendell Williams, Humke, Gibbons, Kenny, Bennett, Freeman, Lambert, Giunchigliani, Toomin, Tiffany and Sader. 871.

686....Requires training of lifeguards and authorizes competency testing during employment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick, Gibbons, Evans, Marvel, Porter, Bennett, Wendell Williams, Augustine, Bonaventura, Petrak, Heller, Perkins, Regan, Arberry, Freeman, Schneider, Ernaut, McGaughey, Bache, Lambert, Smith, Anderson, Garner, Sader, Spitler, Price, de Braga, Segerblom, Neighbors, Carpenter, Gregory, Kenny, Chowning, Scherer, Humke, Toomin, Myrna Williams, Giunchigliani and Dini. 871, 1455, 1463, 1476, 1488, 1495,* 1496, 1627, 1708.

687....Lessens length of notice to quit for certain short-term tenancies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 871, 1656, 1671, 1679, 1685, 1686,* 1950, 2008.

688....Increases penalty for commission of assault or battery against certain persons. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 871.

689....Makes various changes regarding placement of delinquent children and children in need of supervision. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 872, 1463, 1477, 1488, 1495, 1496,* 1717, 1871.

No. *Summary, Introducer and Page Reference*

690....Transfers to University of Nevada System responsibility for training regarding hazardous materials. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Lambert, Hettrick, Neighbors, de Braga, Freeman, Gibbons, Ernaut, Humke and Dini. 881.

691....Makes various changes relating to podiatric physicians. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 881, 1525, 1531, 1555, 1574, 1581,* 1582, 1583, 1874.

692....Makes various changes relating to Colorado River commission.Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 881, 954, 972, 994, 995,* 1627, 1650, 1708.

693....Revises requirements for licensing of real estate appraisers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 907, 1737, 1739, 1751, 1803,* 1805.

694....Provides for alternate methods of obtaining license to teach in Nevada and requires acceptance of certain courses in occupational education in lieu of certain academic courses required for graduation from high school. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Scherer. 907.

695....Requires that school buses be equipped with safety belts for use by pupils. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Arberry. 908.

696....Creates Tricounty Railway Commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 908, 1430, 1437, 1445, 1457, 1459,* 1460, 1590, 2010.

697....Requires department of taxation to impose fees for assessment, collection and distribution of certain property taxes by department. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 908, 1700, 1702, 1706, 1712, 1715, 1806, 1862,* 1863, 1874.

698....Authorizes issuance of special plates and registration certificates for collectible passenger cars and trucks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 908.

699....Makes various changes regarding libraries. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 908, 1679, 1686, 1687, 1711, 1713, 1833, 1835, 1878, 1879, 1880,* 1881, 2044.

700....Prohibits certain employers from requesting applicants to submit to testing for presence of drug or alcohol and limits circumstances under which employees may be requested to submit to such testing. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 909.

701....Prohibits employer from applying any tips or gratuities bestowed upon employee as credit toward payment of wages to any employee. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 909, 1393, 1396, 1405, 1416, 1424,* 1425, 1429.

702....Makes various changes relating to industrial insurance and safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 909, 1494, 1501, 1507, 1527, 1532,* 1533.

703....Limits certain types of surveillance of public employees at place of employment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 909, 1175, 1361, 1411,* 1429.

704....Creates trust account for children needing organ transplants. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 909, 910.

705....Precludes admission in evidence of proceedings and records of committees for review of medical or dental care except under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 915, 1137, 1166, 1374*.

706....Authorizes county fair and recreation boards in larger counties to expend money to improve, operate or maintain certain airports. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 915, 1014, 1109, 1144,* 1950, 1958.

707....Makes various changes related to administrative law. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 915, 1487, 1501, 1520, 1527, 1532,* 1533.

708....Makes various changes concerning low-income housing. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 915, 1385, 1396, 1405, 1416, 1425,* 1429, 1627, 1702.

No. *Summary, Introducer and Page Reference*

709....Names veterans' cemetery in southern Nevada the Ken Brown Veterans' Memorial Cemetery of Southern Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 916.

710....Authorizes water resource development fee to support Southern Nevada Water Authority. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 916.

711....Make various changes in criminal procedure. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 916.

712....Provides for forfeiture of good-time credit on account of frivolous civil action. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 916.

713....Requires that policy of liability insurance covering motor vehicle provide for partial rebate of premium for person who does not make claim for extended period. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 917.

714....Requires salaried employee of insurer to be certified before he investigates or settles insurance claim. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 917.

715....Requires contractor who excavates street for construction project to post bond to ensure adequate restoration of street. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 917, 1012, 1058, 1067, 1159, 1172, 1374, 1375*.

716....Requires persons claiming certain exemptions from provisions relating to architects to file affidavit when obtaining building permit. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 917, 918, 1137, 1158, 1795.

717....Makes appropriation to state librarian for preservation of statewide library resource programs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 923, 1014.

718....Permits county to establish and maintain program which allows donation of certain fees of jurors to specified agencies which provide protective services for children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Evans, Myrna Williams, Chowning, Dini, Humke, Smith, Lambert, Bache, Tiffany, Anderson, Scherer, McGaughey, Freeman, Garner, Sader and de Braga. 929, 1131, 1167, 1184,* 1627, 1708.

719....Clarifies that witness in legislative proceeding has absolute privilege to publish defamatory matter relevant to proceeding. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 930, 1110, 1117, 1158, 1172, 1375, 2010.

720....Exempts, under certain circumstances, pawnbrokers and secondhand dealers from civil liability for conversion. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 930, 1012, 1058, 1070*.

721....Making various changes relating to contractors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 930, 1137, 1167, 1375,* 1627, 1708.

722....Makes various changes relating to pawnbrokers and secondhand dealers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 930, 1012, 1058, 1070,* 1627, 1670, 1799, 1809, 1838, 1908.

723....Revises provisions regarding group insurance and taxable compensation of public employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Anderson, Dini, Bache, Carpenter, Toomin, Spitler, Gregory, Arberry, Kenny, Neighbors, Marvel, Schneider, Tiffany, Smith, de Braga, McGaughey, Collins, Perkins, Regan, Petrak, Porter, Chowning and Giunchigliani. 930, 931, 1528, 1531, 1564, 1626, 1682,* 1686, 2025, 2031.

724....Requires bicycle riders under 18 years of age to wear helmets. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 932.

725....Prohibits driving or moving of vehicle on any highway with uncovered load. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 932.

726....Requires certain motor carriers to designate person to train employees and to ensure compliance with federal laws relating to persons with disabilities. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 933, 1487, 1501, 1521, 1527, 1533,* 1874.

727....Revises provisions governing purchase of municipal securities by Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 957, 1683, 1686, 1689, 1711, 1713,* 1714, 1950.

No. *Summary, Introducer and Page Reference*

728....Requires issuance of bonds for restoration of Virginia & Truckee Railroad from Virginia City to Carson City. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 957.

729....Revises provision concerning fees charged for information obtained from central repository for Nevada records of criminal history. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 957, 1597, 1598, 1601, 1603*.

730....Revises provisions governing account for verification of insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 957, 1608, 1614, 1621, 1628, 1630, 1631,* 1874.

731....Proposes to revise provisions governing exemption of gross receipts from sales of tangible personal property to and by specified governmental entities and certain charitable, eleemosynary or religious organizations from certain taxes on retail sales. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 961, 1739, 1780, 1805, 1808,* 1809, 2016.

732....Establishes requirements for review of project or program that significantly affects environment. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Gibbons. 967.

733....Provides additional means to enforce Nevada's claim to public lands. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Neighbors, Dini, Collins, Hettrick, Carpenter, Marvel, Price, de Braga, Regan, Perkins, Heller, Petrak, Bonaventura, Smith and Gibbons. 967.

734....Requires commission on economic development to reconsider whether business qualifies for exemption or deferment from taxes upon request by Nevada tax commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 970.

735....Provides manner of assessing value of certain possessory interests and beneficial uses for imposition of property taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 973, 1197, 1381, 1391,* 1874, 2051.

736....Makes various changes relating to interexchange carriers of telecommunication services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Heller. 985.

737....Mandates adoption of regulations requiring certain state officers and employees to reimburse state for use of state vehicle to commute from residence to place of employment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 985.

738....Makes sheriff of Carson City ex officio public administrator for county. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 987.

739....Provides regulation of rates for group and blanket health insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Petrak, Chowning, Anderson, Regan, Price, Schneider, Myrna Williams, Perkins, Toomin, Porter and Bache. 1006.

740....Provides legislative declaration concerning hunting. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 1007, 1158, 1180, 1375,* 2025, 2032.

741....Makes various changes concerning educational foundations and attendance at public school of certain suspended or expelled pupils. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 1007, 1158, 1180, 1375,* 1950, 2004.

742....Provides for additional fee to be paid to court reporters under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1007, 1463, 1481, 1488, 1496,* 1711, 1871.

743....Revises provisions governing selection of officers to fill certain positions in metropolitan police departments. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 1007.

744....Establishes safety requirements for amusement parks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 1007, 1185, 1362, 1363, 1412,* 1429, 1627, 1708.

745....Revises fee charged fraternal benefit societies for certificate of authority to issue benefit contracts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 1007, 1008, 1832, 1846, 1855, 1878, 1880,* 1881, 2025.

746....Makes various changes relating to practice of medicine. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 1008, 1423, 1426, 1428, 1432, 1526, 1570, 1574, 1582,* 1583, 1874, 1914.

No. *Summary, Introducer and Page Reference*

747....Increases certain fees imposed by and makes appropriation to real estate division of department of commerce. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 1015, 1194, 1362, 1412,* 1429, 1950, 2008.

748....Makes appropriation to Nevada highway patrol of department of motor vehicles and public safety for pilot program for alliance for Uniform HazMat Transportation Procedures. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Transportation. 1057, 1436, 1437, 1450, 1457, 1460,* 1874, 2051.

749....Prohibits wagering on certain amateur sporting events. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1057.

750....Provides for registration of intermediary of exchange of real property which is tax free pursuant to Internal Revenue Code and prohibits certain acts by intermediary. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Hettrick, Schneider, Augustine, Neighbors, Petrak, Regan, de Braga, Chowning, Humke, Scherer, Anderson, McGaughey, Freeman, Garner, Marvel, Gregory, Gibbons, Kenny, Wendell Williams, Arberry, Bonaventura, Perkins, Segerblom, Heller, Bennett, Evans, Lambert, Tiffany, Ernaut, Spitler, Bache, Smith, Myrna Williams, Porter, Toomin, Sader, Carpenter, Giunchigliani, Collins, Dini and Price. 1071, 1525, 1531, 1565, 1574, 1582,* 1583, 1717, 1871.

751....Requires inclusion of business license number in certain advertising of business. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Toomin, Petrak, Smith, Regan, Wendell Williams, Bonaventura, Anderson, Gibbons, Schneider, Bennett, Segerblom, Garner, Evans, Bache, Chowning, Kenny, Hettrick, Neighbors, Price, Giunchigliani, Tiffany, Porter and Humke. 1126.

752....Authorizes counties to set aside portion of revenue from net proceeds of mines to mitigate adverse effects from opening or closing mines. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel, Carpenter and Neighbors. 1136, 1579, 1583, 1589, 1601, 1603,* 1874, 2051.

753....Eliminates Nevada equal rights commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1136.

754....Requires boards of county commissioners to follow certain rules of order. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1136.

755....Authorizes certain additional investments of public money. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ernaut, Gibbons, Regan, Hettrick, Augustine, Gregory, Schneider, Toomin, Carpenter, McGaughey, Neighbors, Tiffany, Lambert, Heller, Petrak, Segerblom, Humke, Marvel, Price, Evans, Chowning, Dini and Wendell Williams. 1139, 1798, 1821, 1835, 1836,* 2025, 2031.

756....Authorizes licensure of banks by commissioner of insurance to sell annuities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 1144, 1528, 1531, 1565, 1582,* 1583, 1874, 1914.

757....Makes various changes relating to regulation of fireworks. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1159.

758....Authorizes issuance of state securities for savings or college savings investment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1159, 1160, 1487, 1501, 1521, 1531, 1532,* 1533, 1950.

759....Authorizes refraction by and adds procedural disciplinary provisions for dispensing opticians. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 1173.

760....Revises taxation of motor carriers. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 1176.

761....Specifies relationship between certain statutory and regulatory provisions regarding absences of school employees and provisions of collective bargaining agreement with school district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 1176, 1528, 1531, 1565, 1582,* 1583, 1627, 1708.

762....Authorizes commission on economic development to charge fees for certain services it provides. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1194, 1393, 1396, 1406, 1411, 1628, 1631,* 1874, 2051.

763....Repeals temporarily provisions establishing permanent net proceeds fund. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1194, 1597, 1598, 1601, 1603,* 1871, 2051.

764....Makes various changes to statutes governing credit service organizations. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1360, 1436, 1437, 1737, 1739, 1751, 1805, 1808,* 1809, 1950.

No. *Summary, Introducer and Page Reference*

765....Makes appropriation to account for local cultural activities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 1360.

766....Revises provisions governing regional transportation commissions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 1360, 1528, 1531, 1565, 1583,* 2016, 2018.

767....Revises method of taxing aviation fuel. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 1371.

768....Provides exemption from property tax for property used for facility for production of electrical energy from recycled material. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 1371, 1800, 1822, 1830, 1878, 1881,* 2025, 2033.

769....Provides additional revenue for Airport Authority of Carson City. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1371.

770....Proposes to add definition of "amount of the rental charged" to Sales and Use Tax Act of 1955. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1371, 1372.

771....Requires board of trustees of school district to establish policy which prohibits activities of criminal gangs on school property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1380.

772....Makes various changes relating to contractors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 1380, 1717, 1739, 1751, 1805, 1809, 1821, 1867, 1868, 1878, 1881, 1884, 1886, 2015*.

773....Revises provisions governing telecommunication services offered by community antenna television companies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 1389, 1419, 1426, 1428, 1432, 1573, 1584, 1594, 1601, 1602,* 1711, 1871.

774....Changes method of collecting tax on special fuels. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 1419.

775....Revises statutory provisions governing emergency admission of allegedly mentally ill person to mental health facility. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 1431.

776....Abolishes department of insurance's regulatory account. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1473, 1597, 1599, 1602,* 1603, 1874, 2051.

777....Requires separate categories of master and journeyman in certain trades. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Collins. 1501.

778....Revises provisions governing payment of tax on insurance premiums. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 1502, 1674, 1686, 1690, 1711, 1713,* 1714, 1870, 1952.

779....Authorizes Mineral County to propose question concerning increase of certain taxes for support of new school or schools to voters. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1502, 1880, 1889, 1890, 1921, 1926, 1927,* 2016.

780....Defines "public swimming pool" for purposes of laws and regulations governing public swimming pools. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 1502, 1700, 1702, 1706, 1717, 1722, 1803, 1804,* 1805, 2044.

781....Makes various changes regarding safety of certain amusement rides. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 1531, 1679, 1686, 1694, 1711, 1713, 1714*.

782....Reorganizes administrative structure of executive department of state government. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Executive Budget. Committee on Ways and Means. 1574, 1621, 1622, 1628,* 1629, 1779, 1952.

783....Regulates finder's fees in real estate transactions. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 1606, 1737, 1739, 1754, 1804,* 1805.

784....Expands limitation on civil liability of owner or keeper of certain public accommodations for property left on premises. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 1623, 1737, 1739, 1754, 1805, 1809,* 2025.

No. *Summary, Introducer and Page Reference*

785....Makes technical corrections to measures previously approved by 67th session of legislature. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1679, 1716, 1722, 1805,* 1950, 1959.

786....Increases certain fee collected from restricted gaming licensees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1679, 1700, 1707,* 1870, 1952.

787....Makes appropriations for support of civil government of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 1683, 1734, 1739, 1754, 1772, 1773, 1779,* 1833, 1952.

788....Authorizes and provides funding for certain projects of capital improvement. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 1683, 1734, 1739, 1754, 1772, 1784,* 1833, 1952.

789....Authorizes use of specially appointed attorney for limited duration with limited jurisdiction. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1740, 1800, 1821, 1836,* 1950.

790....Revises provisions of Assembly Bill No. 543 of this session concerning school property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1824, 1832, 1833, 1835,* 1950.

791....Increases certain taxes on revenues from rental of transient lodging and revises composition of county fair and recreation board in largest counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price, Smith, Segerblom, Kenny, Gregory, McGaughey, Wendell Williams, Collins and Bache. 2015.

VETOED ASSEMBLY BILLS OF THE 66th SESSION

No. *Summary, Introducer and Page Reference*

130....Authorizes collective bargaining for certain employees in classified service of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 7, 8, 106, 110*.

290....Creates Carson City capitol complex subcommittee of legislative commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. McGaughey, Dini, Stout, Callister, Bennett, Haller, Gibbons, Johnson, Krenzer, Bayley, Little, Humke, Wendell Williams, Wong, Goetting, Bergevin, Porter, Bache, Elliott, Sader, McGinness, Lambert, Anderson, Pettyjohn, Garner, Norton, Myrna Williams and Gregory. 7, 8, 106, 110, 112*.

491....Revises penalties for driving under influence of intoxicating liquor or controlled substance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Carpenter. 7, 8, 106, 112, 113*.

LISTING OF ASSEMBLY RESOLUTIONS AND ACTION THEREON

(Where a roll call vote was taken on final passage, such action is denoted by an asterisk following the page number.)

ASSEMBLY JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1....Congratulates Bill Clinton and Al Gore on inaugurations as President and Vice President, respectively, of United States. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 13, 22,* 39, 68.

2....Urges Tahoe Regional Planning Agency to carry out its current plans. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 57, 147, 150, 151,* 461, 477.

3....Urges Tahoe Regional Planning Agency to consider certain factors in regulating development in the Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 57, 283, 305, 320,* 802, 841, 851.

4....Urges Tahoe Regional Planning Agency to determine whether it is authorized to establish procedures to grant variances from its ordinances for certain projects, and, if authorized, to establish those procedures. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 57, 58.

5....Urges Congress to expedite ratification of amendments to Tahoe Regional Planning Compact made by State of California and adopted by Nevada Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 58, 147, 150, 152,* 275, 293.

6....Proposes to amend Nevada constitution to revise requirements for recall of public officer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 58, 1737, 1739, 1754, 1805, 1809,* 2010.

7....Urges Congress to eliminate inequities in payment of social security benefits to "notch babies." Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Petrak, Dini, Segerblom, Neighbors, Hettrick, Bonaventura, Augustine, Bennett, Collins, Arberry, Chowning, Spitler, Marvel, Humke, Regan, Myrna Williams, Kenny, Gibbons, Anderson, Price, Heller, Perkins, Toomin, Freeman, Scherer, Schneider, Giunchigliani, Bache, Wendell Williams, Gregory, Smith, McGaughey, Evans, Porter, Sader and Carpenter. 69, 403, 419, 427, 438,* 802, 827.

8....Urges Congress not to require states to provide services or benefits unless it provides related funding. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache, Collins, Price, Chowning, Toomin, Smith, McGaughey, Petrak, Spitler, Anderson, Freeman, Garner, Giunchigliani, Perkins, Regan, Lambert, de Braga, Sader, Segerblom, Porter, Neighbors, Haller, Arberry, Myrna Williams, Bonaventura, Gibbons, Kenny, Evans, Wendell Williams, Schneider, Gregory, Tiffany, Dini and Marvel. 73, 403, 419, 427, 438,* 2010.

9....Supports efforts of people of territory of Guam to achieve status of Commonwealth of United States. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 74, 555, 567, 583,* 1196, 1409.

10....Memorializes California to recognize Nevada irrigation districts as public entities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini and Hettrick. 76, 198, 210, 221,* 275, 293.

11....Proposes to amend Nevada constitution to provide for limited annual legislative sessions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price, Dini, Arberry, Sader, Porter, Bennett, Wendell Williams, de Braga, Scherer, Carpenter, Freeman, Chowning, Bache, Giunchigliani, Anderson, Petrak, Kenny, Toomin, Smith, Segerblom, Gregory, Myrna Williams, Regan, Neighbors, Augustine, Gibbons, Haller, Tiffany, Garner, Bonaventura, Ernaut, Evans and McGaughey. 94, 587, 597,* 1627, 1648, 1799, 1802, 1882, 2010, 2016, 2026, 2050.

12....Proposes to amend Nevada constitution to prohibit money for industrial accidents and occupational diseases or from public employees' retirement system from being loaned to state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. de Braga, Collins, Hettrick, Regan, Carpenter, Petrak, Neighbors, Giunchigliani, Kenny, Smith, Gibbons, Segerblom, Freeman and Garner. 117.

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13....Proposes to amend Nevada constitution to authorize legislature to establish exemption from property taxes for property on which declaration of homestead has been recorded. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 125.

14....Proposes to amend Nevada constitution to exempt contracts for protection or preservation of cultural resources or historic properties from debt limitation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel, Dini, Heller, Porter, Arberry, Spitler, Schneider, Price, Gregory, Augustine, Hettrick, Petrak, Perkins, Regan, Ernaut, Carpenter, Bennett, Garner, Smith, Sader, Wendell Williams, Evans, Myrna Williams, Giunchigliani, McGaughey, Kenny, Toomin, Humke, Scherer, Chowning, Anderson, Haller, Tiffany, Bache, Lambert, Freeman, Collins, de Braga, Gibbons, Segerblom and Neighbors. 154, 353, 370, 379*.

15....Proposes to amend Nevada constitution to prohibit the imposition of unfunded requirements upon local governments. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 179.

16....Urges Congress to pass legislation prohibiting states from imposing income tax on income from pension of nonresidents. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Augustine, Gregory, Heller, Tiffany, Ernaut, Schneider, Bennett, Wendell Williams, de Braga, Regan, Perkins, Collins, Price, Spitler, Arberry, Garner, Sader, Freeman, Smith, Lambert, Bache, Anderson, Scherer, Chowning, Haller, McGaughey, Marvel, Evans, Porter, Myrna Williams, Kenny, Giunchigliani, Gibbons, Toomin, Humke, Carpenter, Neighbors, Segerblom, Petrak, Hettrick, Dini and Bonaventura. 180, 424, 433, 446,* 802, 827.

17....Urges Congress to enact legislation allowing states greater flexibility in carrying out coordinated programs of health care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 186, 370, 377, 396,* 656, 677, 688.

18....Urges Congress to consider effect of certain proposed legislation upon stability and unity of families in United States. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 186, 327, 334, 348,* 509, 523.

19....Proposes to amend Nevada constitution to prescribe additional restrictions on public employees' retirement system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Heller, de Braga, Chowning, Humke, Gibbons, Schneider, Petrak, Gregory, Ernaut, Segerblom, Bennett, Bache, Bonaventura, Scherer, Augustine, Kenny, Giunchigliani, Perkins, Arberry, Smith, Price, Toomin, Collins, Hettrick, Marvel, Tiffany, Evans, Myrna Williams, Carpenter, Lambert, Anderson, Haller, Spitler, McGaughey, Dini, Porter and Garner. 198, 199, 479, 492, 506,* 969, 1001.

20....Urges Congress to enact legislation to facilitate establishment of Western United States Trade District. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 240, 793, 810, 826,* 1627, 1708.

21....Proposes to amend Nevada constitution to require two- thirds majority of each house of legislature to increase certain existing taxes or impose certain new taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Gibbons, Marvel, Ernaut, Scherer, Gregory, Humke, Heller, Regan, Hettrick, Augustine, Carpenter, Tiffany, Lambert, McGaughey, Schneider, Bonaventura, Petrak, Collins, Haller, Segerblom and Wendell Williams. 254.

22....Urges Congress to reject certain legislation related to mining. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 259, 264,* 272, 281.

23....Urges Congress to establish uniform hours for polls across nation in elections for national officers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Heller, Smith, Hettrick, Chowning, Segerblom, Perkins, Bonaventura, de Braga, Kenny, Anderson, Humke, Lambert, Augustine, Collins, Arberry, Scherer, Garner, Bennett, Myrna Williams, Giunchigliani, Porter, Bache, Marvel, Spitler, Ernaut, Evans, McGaughey, Dini, Tiffany, Neighbors, Petrak, Price, Freeman, Schneider, Gregory, Carpenter, Toomin, Haller, Gibbons, Regan, Wendell Williams and Sader. 272, 484, 505, 518,* 802, 827.

24....Urges Congress to allow each state to determine sanctions upon driving privilege of drug offender. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 312, 316,* 367, 381.

25....Urges selection of Nevada as state for testing evolving National Health Program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 339.

26....Proposes to amend Nevada constitution to clarify exemption from debt limitation of money borrowed to retrofit state buildings to make use of energy more efficient. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 364, 986, 1010, 1065,* 1431, 1486.

27....Urges Congress to support "ENABLE" program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. de Braga, Perkins, Regan, Collins, Spitler, Arberry, Price, Garner, Smith, Lambert, Bache, Anderson, Chowning, Haller, McGaughey, Evans,

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Marvel, Porter, Gregory, Bennett, Wendell Williams, Augustine, Bonaventura, Segerblom, Carpenter, Neighbors, Schneider, Myrna Williams, Giunchigliani, Kenny, Gibbons, Toomin, Freeman, Sader, Hettrick and Petrak. 462, 623, 651, 665,* 843, 864.

28....Urges Congress to review Social Security offset and windfall provisions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 510, 640, 663, 674, 675,* 1627, 1708.

29....Urges national designation of month of May as United States Armed Forces History Month. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 534, 680, 692, 706,* 1627, 1708.

30....Proposes to amend Nevada constitution to require that certain proceedings of commission on judicial discipline be open and public. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 595, 819, 836, 850*.

31....Urges Congress to require return of unclaimed securities distributions held by intermediaries to states from which they were paid. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 605, 680, 692, 706,* 707, 867, 890.

32....Proposes to amend Nevada constitution to allow legislature to designate places in county other than county seat for holding terms of district court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 649, 823, 836, 850, 851*.

33....Urges Congress to extend daylight saving time by 1 month. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 657.

34....Proposes to amend Nevada constitution to enable consolidation of Clark County and City of Las Vegas. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 914.

35....Proposes to amend Nevada constitution to allow investment by state to stimulate economic development. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 922, 1012, 1058, 1070,* 1431, 1486.

36....Urges Congress and President to extend permanently authority of states to issue tax-exempt small issue industrial development bonds and qualified mortgage revenue bonds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 923, 1012, 1058, 1070, 1071,* 1431, 1486.

37....Urges Congress to oppose proposed legislation that establishes surcharge on water from federal reclamation projects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 929, 1131, 1167, 1376, 1379,* 1627, 1708.

38....Proposes to amend Nevada constitution to limit length of each regular session to 120 calendar days and to extend limitation on compensation of each member of legislature to such time. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter, Gibbons, Marvel, Hettrick, Neighbors, Petrak, McGaughey, Chowning, Scherer, Smith, Tiffany, Toomin, Schneider, Kenny, Segerblom, Wendell Williams, Regan, Evans, de Braga, Price, Gregory and Humke. 955.

39....Urges Congress to oppose North American Free Trade Agreement unless certain changes are made. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1159, 1384, 1396, 1406, 1412,* 1429, 1779, 1871.

40....Urges Congress to allow states to set speed limits for motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 1485, 1686, 1699, 1712,* 1714.

41....Urges President of United States not to use surplus in Social Security to reduce national debt and limit budget deficit. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Tiffany, Gregory, Marvel, Smith, Lambert, Anderson and Bache. 1493, 1528, 1531, 1583, 2016.

42....Urges President of United States not to use surplus in Social Security to reduce national debt and limit budget deficit. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Tiffany, Myrna Williams, Anderson, Gibbons, Garner, Smith, Lambert, Haller, McGaughey, Bache, Arberry, Bennett, Collins, Regan, Bonaventura, Perkins, Heller, Petrak, Augustine, Wendell Williams, Hettrick, Gregory, Humke, Schneider, Ernaut, Spitler, Toomin, Evans, Segerblom, Giunchigliani, Kenny, Scherer, Freeman, Neighbors, Chowning, de Braga, Sader, Price, Dini, Marvel and Porter. 1738, 1798, 1821, 1836*.

ASSEMBLY JOINT RESOLUTIONS OF THE 66th SESSION

No. *Summary, Introducer and Page Reference*

21....Proposes to amend Nevada constitution to extend jurisdiction of commission on judicial discipline. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 7, 10, 153, 177, 185,* 311, 321.

22....Proposes to amend Nevada constitution to allow increase in salary of justice of supreme court and district judge during term. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 7, 11, 205, 212, 233,* 461, 477.

24....Proposes amendment to Nevada constitution to authorize state to enter into certain agreements notwithstanding limitations on state indebtedness. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 7, 12, 237, 246, 256, 264,* 759, 800.

ASSEMBLY CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1....Adopts Joint Rules of Senate and Assembly for 67th session of Legislature. Committee on Elections and Procedures. 13, 20, 39, 68.

2....Commemorates Dr. Martin Luther King, Jr. Arberry, Wendell Williams, Anderson, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Haller, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Price, Regan, Sader, Scherer, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin and Myrna Williams. 19, 20, 39, 68.

3....Urges Tahoe Regional Planning Agency to continue to increase efforts to simplify its ordinances and procedures. Committee on Government Affairs. 59, 242, 243, 341, 366.

4....Directs state fire marshal and state emergency response commission, in consultation with local emergency planning committees, to study certain alternatives for providing coordinated response to incidents involving hazardous materials. Committee on Natural Resources, Agriculture and Mining. 59, 976, 977, 985, 1196, 1409.

5....Directs State Emergency Response Commission to conduct study concerning local emergency planning committees and agreements of mutual aid between local entities responding to incidents involving hazardous materials. Committee on Natural Resources, Agriculture and Mining. 59.

6....Directs Legislative Commission to study feasibility and desirability of creating Department of Public Safety. Committee on Natural Resources, Agriculture and Mining. 59.

7....Memorializes retired Supreme Court Justice Thurgood Marshall. Wendell Williams, Evans, Arberry, Anderson, Porter, Lambert, Bennett, Garner, McGaughey, Neighbors, Bache, de Braga, Kenny, Segerblom, Myrna Williams, Gibbons, Price, Chowning, Smith, Gregory, Petrak, Hettrick, Heller, Perkins, Bonaventura, Regan, Collins, Spitler, Dini, Schneider, Ernaut, Carpenter, Humke, Scherer, Sader, Tiffany, Freeman, Marvel, Giunchigliani, Toomin, Haller and Augustine. 98, 116, 126.

8....Urges State Board of Education to take certain actions related to instruction of mathematics. Committee on Education. 101.

9....Directs Department of Education to conduct study concerning tracking of academic histories of pupils in public schools. Committee on Education. 101.

10....Designates October as Nevada Child Health Care Month. Committee on Health and Human Services. 113, 237, 238, 383, 401.

11....Memorializes Las Vegas gaming industry pioneer Sam Boyd. Regan, Dini, Schneider, Petrak, Gregory, Kenny, McGaughey, Smith, Toomin, Bache, Bennett, Augustine, Garner, Porter, Wendell Williams, Collins, Bonaventura, Segerblom, Perkins, Giunchigliani, Chowning, Myrna Williams, Scherer, Humke, Anderson, Lambert, Tiffany, Arberry, Heller, Price, Spitler, Freeman, Hettrick, Carpenter, Gibbons, Neighbors, Ernaut, Marvel, Evans, Sader, Haller and de Braga. 138, 153, 177.

12....Urges Commissioner of Insurance to encourage insurers who issue policies of health insurance to offer policies with limited coverage to certain persons. Petrak, Regan, Bache, Bonaventura, Bennett, Schneider, Porter, Wendell Williams, Segerblom, Carpenter, Neighbors, Smith, Toomin, Augustine, Heller, Perkins, Hettrick, Price, Collins, Gregory, de Braga, Chowning, Scherer, Arberry, Spitler, Giunchigliani, Anderson, Haller, McGaughey, Sader, Evans, Garner, Lambert, Myrna Williams, Ernaut, Freeman, Gibbons, Marvel and Dini. 148, 592, 594, 744, 757.

13....Commemorates birthday of Abraham Lincoln. Dini, Porter, Chowning, McGaughey, Marvel, Gibbons, Humke, Hettrick, Bonaventura, de Braga, Regan, Perkins, Neighbors, Carpenter, Ernaut, Smith, Myrna Williams, Kenny, Collins, Toomin, Anderson, Haller, Tiffany, Bache, Lambert, Sader, Scherer, Heller, Spitler, Bennett, Augustine, Wendell Williams, Petrak, Segerblom, Schneider, Arberry, Garner, Freeman, Gregory, Giunchigliani, Evans and Price. 155, 160, 189.

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14....Commemorates birthday of George Washington, first President of United States. Dini, Porter, Chowning, McGaughey, Marvel, Gibbons, Hettrick, Humke, Bonaventura, de Braga, Regan, Perkins, Neighbors, Carpenter, Ernaut, Myrna Williams, Kenny, Smith, Collins, Toomin, Anderson, Haller, Tiffany, Bache, Lambert, Sader, Scherer, Heller, Spitler, Bennett, Wendell Williams, Augustine, Petrak, Segerblom, Schneider, Arberry, Garner, Freeman, Gregory, Giunchigliani, Evans and Price. 161, 179, 196.

15....Memorializes tennis great Arthur Ashe. Committee on Elections and Procedures. 163, 191, 201.

16....Supports national educational goals for State of Nevada. Committee on Education. 163, 164, 388, 389, 867, 890.

17....Urges public schools to participate in Nevada School Improvement Project. Committee on Education. 164, 267, 268, 509, 523.

18....Urges boards of trustees of county school districts to adopt daily class schedules for public elementary schools which include fixed period of uninterrupted teaching time during each school day. Committee on Education. 164, 267, 268, 616, 638.

19....Urges State Board of Education to adopt policy of cooperation to facilitate diagnosis and treatment of pupils with attention deficit hyperactivity disorder. Committee on Education. 164.

20....Encourages employers to establish programs to promote employee wellness, physical fitness and prevention of disease and accidents and to ensure workplace that is free from use of drugs. Committee on Health and Human Services. 203, 204, 367, 680, 693, 708.

21....Directs Welfare Division of Department of Human Resources to simplify application for Medicaid and to make available application written in Spanish. Committee on Health and Human Services. 204, 333, 586, 611, 621.

22....Memorializes long-time Nevada resident Julia Viani. Dini, Myrna Williams, Ernaut, Hettrick, Heller, Carpenter, Segerblom, Neighbors, Schneider, Porter, Bennett, Wendell Williams, Augustine, Bonaventura, Giunchigliani, Gibbons, Anderson, Haller, Regan, Price, Perkins, Marvel, Garner, Gregory, Petrak, Lambert, Kenny, McGaughey, Freeman, de Braga, Scherer, Bache, Humke, Smith, Spitler, Arberry, Toomin, Evans, Chowning, Collins, Sader and Tiffany. 225, 227, 238, 253.

23....Urges state board of education, board of regents and boards of trustees of school districts to end gender bias in educational system. Giunchigliani, Evans, Bache, Smith, Freeman, Regan, Gibbons, Sader, Anderson, Marvel, Spitler, Humke, Chowning, Perkins, Myrna Williams, Tiffany, Collins, Ernaut, Lambert, Haller, Carpenter, Hettrick, Bonaventura, Porter, de Braga, McGaughey, Wendell Williams, Augustine, Petrak, Bennett, Kenny, Gregory, Garner, Arberry, Heller, Segerblom, Neighbors, Scherer, Toomin, Schneider and Dini. 228, 667, 668, 681, 1627, 1708.

24....Commends Clark County Housing Authority on 50th anniversary. Committee on Elections and Procedures. 238, 283, 284, 311, 321.

25....Memorializes late James A. Joyce, long-time journalist, legislative advocate and political consultant. Dini, Myrna Williams, Porter, Arberry, Evans, Spitler, Price, Sader, Marvel, Anderson, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Ernaut, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Haller, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Neighbors, Perkins, Petrak, Regan, Scherer, Schneider, Segerblom, Smith, Tiffany, Toomin and Wendell Williams. 247, 259, 273.

26....Directs State Welfare Board to extend time that families are eligible to receive aid under Aid to Families with Dependent Children- Unemployed Parent Program. Wendell Williams, Arberry, Porter, Heller, Augustine, Spitler, Price, Collins, de Braga, Regan, Perkins, Petrak, Hettrick, Schneider, Myrna Williams, Gibbons, Chowning, Toomin, Evans, Smith and Freeman. 289, 404.

27....Commends Nevada Parent-Teacher Association. Giunchigliani, Evans, Kenny, Anderson, Myrna Williams, Scherer, Chowning, Tiffany, Bache, Haller, McGaughey, Segerblom, Hettrick, Wendell Williams, Augustine, Bonaventura, Heller, Neighbors, Petrak, Arberry, Garner, Lambert, Carpenter, Gibbons, Regan, Bennett, Gregory, Ernaut, Collins, Spitler, Porter, de Braga, Price, Perkins, Marvel, Sader, Freeman, Schneider, Smith, Humke and Dini. 292, 311, 321.

28....Urges Department of Data Processing and Division of Archives and Records of State Library and Archives to take certain actions regarding public records stored on electronic media. Committee on Commerce. 297, 403, 404.

29....Directs Legislative Commission to conduct interim study of exemptions to laws governing public records and books. Committee on Commerce. 297.

30....Designates March 19 and 20, 1993, as Nevada 4-H State Capitol Days. Dini, Anderson, Arberry, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Ernaut, Evans, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Haller, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Price, Regan, Sader, Scherer, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin, Myrna Williams and Wendell Williams. 302, 303, 318, 331.

31....Urges local governments to take certain action relating to school zones. Committee on Government Affairs. 319, 526, 533, 544, 721, 797, 816.

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32....Commends Dorothy B. North for her public service. Dini, Price, Anderson, Arberry, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Ernaut, Evans, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Haller, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Regan, Sader, Scherer, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin, Myrna Williams and Wendell Williams. 355, 357, 367, 381.

33....Amends joint rules to establish tax policy for State of Nevada. Giunchigliani, Price, Porter, Bennett, Wendell Williams, Spitler, Kenny, Myrna Williams, Anderson, Tiffany, Bache, Smith, Freeman, Garner, Arberry, Gregory, Evans, McGaughey, Chowning, Scherer, Haller, Augustine, Toomin, Carpenter, Lambert, Petrak, Hettrick, Ernaut, Segerblom, Perkins, Regan, de Braga, Collins, Schneider, Gibbons, Humke, Neighbors, Dini and Sader. 384, 623, 624.

34....Memorializes long-time Nevada resident Willie Albert Neal. Committee on Elections and Procedures. 399, 415, 427.

35....Establishes goals for prevention of child abuse and neglect and commends Nevada's Committee for the Protection of Children. Evans, Anderson, Toomin, Giunchigliani, Haller, Freeman, McGaughey, Garner, Bache, Price, Spitler, Perkins, Petrak, Regan, Smith, Kenny, Augustine, de Braga, Ernaut, Neighbors, Chowning, Bennett, Wendell Williams, Segerblom, Gibbons, Humke, Myrna Williams, Hettrick, Arberry, Sader, Tiffany, Marvel, Heller, Lambert, Porter, Gregory, Scherer, Collins, Schneider and Dini. 416, 574, 734, 748.

36....Urges persons in charge of state buildings to display flag of National League of Families of American Prisoners and Missing in Southeast Asia. Heller, Gibbons, Smith, Perkins, Regan, Collins, Spitler, Petrak, Bennett, Arberry, Garner, Lambert, Bache, Tiffany, Anderson, Chowning, Evans, Haller, McGaughey, Gregory, Marvel, Porter, Price, Augustine, Wendell Williams, Bonaventura, Segerblom, Neighbors, Ernaut, Schneider and Myrna Williams. 425, 969, 970, 985, 1874, 2051.

37....Urges State Welfare Administrator to develop program to encourage certain recipients of Medicaid to participate in educational program on family planning. Freeman, Evans, Augustine, Segerblom, de Braga, Heller, Myrna Williams, Petrak, Toomin, Gibbons and Smith. 458, 747, 751, 1182, 1410, 1454.

38....Directs Legislative Commission to conduct interim study of laws relating to financing of infrastructure which accompany residential, commercial and industrial development in Nevada. Committee on Elections and Procedures. 462, 1798, 1800, 1805, 1874, 2051.

39....Directs Legislative Commission to conduct interim study concerning method of establishing Legislative Budget Office. Evans, Dini, Arberry, Perkins, Heller, Toomin, Neighbors, Humke, Haller, Tiffany, Smith, Bache, Spitler, Giunchigliani, Myrna Williams, Marvel, Freeman, Price, Petrak, de Braga and Regan. 485.

40....Directs Legislative Commission to conduct interim study of cities which are incorporated by charter. Freeman, Lambert, Segerblom, Carpenter, Neighbors, Petrak, Hettrick, Bonaventura, Ernaut, Augustine, Schneider, Wendell Williams, Bennett, Porter, Marvel, Gregory, Kenny, Haller, McGaughey, Myrna Williams, Giunchigliani, Evans, Gibbons, Toomin, Dini, Chowning, Smith, Spitler, Regan, Perkins, Sader, Tiffany, Scherer, Anderson, Bache, Arberry, Price, Collins, de Braga, Heller and Garner. 490.

41....Memorializes former Assemblyman Herbert E. Rowntree. Dini, Anderson, Arberry, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Ernaut, Evans, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Haller, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Price, Regan, Sader, Scherer, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin, Myrna Williams and Wendell Williams. 514, 526, 553.

42....Congratulates professional golfer Patty Sheehan for qualifying for admittance to Ladies Professional Golf Association's Hall of Fame. Evans, Myrna Williams, Dini, Humke, Freeman, Lambert, Ernaut, Neighbors, Haller, Chowning, Gibbons, Garner, Anderson, Bennett, McGaughey, Arberry, Sader, Tiffany, Marvel, Heller, Porter, Gregory, Scherer, Segerblom, Collins, Spitler, Perkins, Wendell Williams, Bache, Petrak, Hettrick, Regan, Kenny, Carpenter, Toomin, Smith, Price, Giunchigliani, de Braga, Augustine and Schneider. 531, 543, 561.

43....Directs Assembly Standing Committee on Ways and Means and Senate Standing Committee on Finance to limit transfers from Fund for the Promotion of Tourism. Committee on Ways and Means. 548.

44....Declaring week of April 26 as Nevada Thunderbird Week. Price, Dini, Anderson, Arberry, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Ernaut, Evans, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Haller, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Regan, Sader, Scherer, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin, Myrna Williams and Wendell Williams. 593, 594, 598, 621.

45....Limits number of requests that may be submitted to Legislative Counsel during interim for drafting and directs completion of 1,000 bill drafts before convening of 68th session of Nevada Legislature. Committee on Elections and Procedures. 597, 1432, 1456, 2011, 2014, 2046, 2047, 2050.

No. *Summary, Introducer and Page Reference*

46....Designates April 28, 1993, as Workers Memorial Day in Nevada. Committee on Labor and Management. 603, 616, 638.

47....Directing the Legislative Commission to conduct an interim study on the laws governing taxation generally and the creation of taxing districts. Committee on Taxation. 605, 1430, 1433, 1434, 1798, 1800, 1805, 1874, 2051.

48....Commemorates 125th anniversary of Reno, Nevada. Gibbons, Evans, Freeman, Lambert, Ernaut, Haller, Sader and Humke. 641, 656, 678.

49....Urges State Board of Health to extend time during which physician is required to evaluate person admitted to facility for care of adults during day. Committee on Health and Human Services. 668.

50....Directs Legislative Commission to conduct interim study of summary eviction procedures. Committee on Judiciary. 688.

51....Provides for compensation of clergy for services rendered to Assembly and Senate during 67th session of Nevada Legislature. Committee on Elections and Procedures. 696, 711, 731.

52....Congratulates Reed High School's girls' basketball team for winning state "AAA" championship. Anderson, Evans, Sader, Smith, Tiffany, Arberry, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Dini, Ernaut, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Haller, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Price, Regan, Scherer, Schneider, Segerblom, Spitler, Toomin, Myrna Williams and Wendell Williams. 698, 711, 731.

53....Expresses position of Nevada Legislature concerning discrimination in employment and sexual harassment. Freeman, Marvel, Haller, Ernaut, Garner, Gibbons, Carpenter, Heller, Myrna Williams, Anderson, Evans, Lambert, Bache, Chowning, Schneider, Smith, Spitler, Segerblom, Collins, de Braga, Price, Kenny, Bennett, Sader, Hettrick, Neighbors, Petrak, Toomin, Humke, Scherer, Giunchigliani, Tiffany, Gregory, Arberry, Regan, McGaughey, Augustine, Perkins, Porter and Dini. 700, 866, 869.

54....Commends educators from Nevada who have received awards from Milken Family Foundation. Evans, Wendell Williams, Freeman, Smith, Lambert, Bache, Tiffany, Anderson, Scherer, Chowning, McGaughey, Haller, Gregory, Bennett, Marvel, Carpenter, Segerblom, Myrna Williams, Gibbons, de Braga, Petrak, Bonaventura, Hettrick, Regan, Neighbors, Perkins, Heller, Humke, Toomin, Spitler, Arberry, Sader, Schneider, Augustine, Porter, Price, Dini, Garner, Kenny, Collins and Ernaut. 711, 721, 742.

55....Urges local governments to continue water conservation efforts. Evans, Chowning, Spitler, Myrna Williams, Perkins, Heller, Price, Giunchigliani, Marvel, Arberry, Garner, Kenny and McGaughey. 722, 831, 832, 1410, 1426, 1454.

56....Commends Nevada Federation of Republican Women for public service. Hettrick, Lambert, Augustine, Tiffany, Carpenter, McGaughey, Gibbons, Gregory, Heller and Marvel. 733, 744, 757.

57....Directs Legislative Commission to study desirability and feasibility of amending requirement that boundaries of county school districts be coterminous with boundaries of counties of state. Committee on Government Affairs. 735.

58....Commends Senad Hrustanovic on his trade mission to State of Nevada. Committee on Elections and Procedures. 760, 790, 816.

59....Urges Public Service Commission of Nevada to lead participation in pilot program for Alliance for Uniform HazMat Transportation Procedures. Committee on Transportation. 763.

60....Memorializes Nevada native and educator, Luis Esteban Justino Mendive. Anderson, Evans, Marvel, Sader, Giunchigliani, Arberry, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Dini, Ernaut, Freeman, Garner, Gibbons, Gregory, Haller, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Neighbors, Perkins, Petrak, Porter, Price, Regan, Scherer, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin, Myrna Williams and Wendell Williams. 820, 832, 851.

61....Memorializes former coach at Sparks High School, Edwin "Tip" Whitehead. Anderson, Dini, Evans, Gibbons, Gregory, Heller, Bache, Porter, Arberry, Ernaut, Collins, Hettrick, Carpenter, Petrak, Regan, Segerblom, Neighbors, Bonaventura, Giunchigliani, Haller, Tiffany, Bennett, Augustine, de Braga, Toomin, Scherer, Lambert, McGaughey, Freeman, Wendell Williams, Spitler, Chowning, Kenny, Perkins, Marvel, Price, Smith, Garner, Humke, Myrna Williams and Sader. 843, 844, 854, 878.

62....Urges local law enforcement agencies to develop guidelines to ensure that citizens are afforded their right to bear arms. Committee on Judiciary. 854, 1137, 1138, 1159, 1176, 1627, 1708.

63....Urges owners of private swimming pools to provide fences or other barriers to entry. Committee on Health and Human Services. 864, 1384, 1385, 1411, 1429, 1601, 1672.

64....Requests return to Assembly from Governor's office of Assembly Bill No. 522. Committee on Elections and Procedures. 931, 951, 967.

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65....Commends Senator Harry Reid for his efforts to promote alternative use for Nevada Test Site. Bonaventura, Dini, Sader, Wendell Williams, Bennett, Toomin, Heller, Perkins, Petrak, Regan, Hettrick, Gibbons, McGaughey, Anderson, Haller, Ernaut, Augustine, Bache, Gregory, Collins, Freeman, Spitler, Marvel, Garner, Smith, Lambert, Evans, Schneider, Neighbors, Carpenter, Segerblom, Arberry, Price, Porter, Giunchigliani, Kenny, Scherer, Chowning, Humke, Tiffany, Myrna Williams and de Braga. 951, 969, 1001.

66....Commends Brian Lent on his scholastic achievement. Humke, Gibbons, Hettrick, Perkins, Augustine, Wendell Williams, de Braga, Collins, Regan, Heller, Petrak, Bonaventura, Segerblom, Freeman, Myrna Williams, Anderson, Evans, McGaughey, Spitler, Toomin, Bennett, Ernaut, Schneider, Neighbors, Carpenter, Arberry, Sader, Marvel, Gregory, Garner, Smith, Bache, Tiffany, Scherer, Giunchigliani, Kenny, Chowning, Lambert, Porter, Price, Haller and Dini. 1004, 1015, 1113.

67....Directs Legislative Commission to consider interim study of functioning of Legislative Counsel Bureau. Evans, Chowning, Neighbors, Augustine, Tiffany, Smith, Kenny, Petrak, Dini, Wendell Williams, Garner, Arberry, Marvel, Price and Freeman. 1015, 1846, 1860, 1874, 1881, 2010.

68....Grants administrative leave to legislative employees in recognition of their services to 67th session of Nevada Legislature. Price, Dini, Ernaut, Heller, Giunchigliani, Gibbons, Tiffany, Perkins, Chowning, Marvel, Collins, Segerblom, Neighbors, McGaughey, Carpenter, Garner, Freeman, Bache, Anderson, Myrna Williams, Scherer, Smith, Evans, Sader, Gregory, Hettrick, Augustine, Toomin, Lambert, Bennett, de Braga, Bonaventura, Regan, Petrak, Wendell Williams, Arberry, Porter, Schneider, Kenny, Humke, Haller and Spitler. 1058, 1059, 1115, 1155.

69....Directs Legislative Commission to conduct interim study of coordination and management of state's housing programs. Tiffany, Schneider, Anderson, Toomin, Gibbons, Kenny, Giunchigliani, Ernaut, Neighbors, Carpenter, Segerblom, Petrak, Hettrick, Bonaventura, Augustine, Wendell Williams, Bennett, Marvel, Myrna Williams, Gregory, Evans, McGaughey, Chowning, Scherer, Bache, Lambert, Smith, Garner, Spitler, Collins, de Braga, Regan, Heller, Price, Sader, Arberry, Perkins, Porter, Humke and Freeman. 1059.

70....Commends Retired Public Employees of Nevada. Dini, Wendell Williams, Petrak, Carpenter, Smith, Regan, Anderson, Bennett, Hettrick, Ernaut, Bache, Garner, Gibbons, Heller, Collins, Myrna Williams, Toomin, Humke, Kenny, Schneider, Neighbors, Segerblom, Perkins, Bonaventura, de Braga, Augustine, Price, Scherer, Chowning, Tiffany, Evans, Spitler, McGaughey, Gregory, Arberry, Marvel, Porter, Haller, Lambert, Freeman, Sader and Giunchigliani. 1068, 1115, 1155.

71....Directs Legislative Commission to conduct interim study of drug and alcohol abuse among criminal offenders. Committee on Judiciary. 1127, 1798, 1800, 1805, 1874, 2051.

72....Commends Jack McCloskey for 60 years of excellence as editor and publisher of Mineral County Independent News. Neighbors, Dini, Evans, Haller, Schneider, Collins, Anderson, Toomin, Bennett, Humke, Hettrick, Smith, Gibbons, Gregory, Spitler, Regan, Lambert, Garner, de Braga, Petrak, Segerblom, Carpenter, McGaughey, Freeman, Augustine, Bonaventura, Ernaut, Kenny, Scherer, Arberry, Perkins, Porter, Chowning, Bache, Tiffany, Marvel, Sader, Giunchigliani, Price, Heller, Wendell Williams and Myrna Williams. 1132, 1158, 1194.

73....Recognizes contributions of Flora Dungan, former Legislator from Clark County. Myrna Williams, Giunchigliani, Dini, Regan, Perkins, Scherer, Petrak, Bache, Segerblom, Gregory, Garner, Augustine, Bonaventura, Collins, Bennett, McGaughey, Smith, Wendell Williams, Schneider, Spitler, Kenny, Toomin, Chowning, Tiffany, Price, Sader, de Braga, Heller, Hettrick, Porter, Arberry, Evans, Freeman, Anderson, Gibbons, Ernaut, Neighbors, Carpenter, Lambert, Marvel, Humke and Haller. 1134, 1135, 1158, 1194.

74....Directs Legislative Commission to conduct interim study to determine feasibility of creating additional school district in Southern Nevada. Tiffany, Gregory, Gibbons, Carpenter, Augustine, Ernaut, Neighbors, Hettrick, Marvel, Scherer, Lambert, Collins, Humke, McGaughey, Sader and Perkins. 1360.

75....Directs Legislative Commission to conduct interim study of laws relating to disclosure of information in real estate transactions. Committee on Elections and Procedures. 1371, 1865, 1866, 1881, 2010.

76....Directs Legislative Commission to conduct interim study of criminal justice system. Wendell Williams, Petrak, Hettrick, Bonaventura, Perkins, Carpenter, Bennett, Augustine, Collins, Arberry, Porter, Gibbons, Freeman, Smith, Bache, Toomin, Chowning, Schneider, Spitler, de Braga, Price, Haller, Anderson, Ernaut and Kenny. 1379, 1798, 1800, 1805, 1874, 2051.

77....Designates October as Italian-American History Month. Augustine, Bonaventura and Giunchigliani. 1386, 1431, 1486.

78....Provides for recognition of certain associations that represent state employees. Committee on Labor and Management. 1409, 2016.

79....Amends Joint Rules of Senate and Assembly with respect to requests for and introduction of bill drafts by standing committees. Committee on Elections and Procedures. 1434, 1573, 1574, 1583, 1874, 1883, 2051.

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80....Memorializes late Assemblyman Bob L. Kerns. Marvel, Dini, Humke, Gregory, Heller, Porter, Arberry, Sader, Ernaut, Myrna Williams, Toomin, Scherer, Gibbons, Augustine, Tiffany, Hettrick, Schneider, Bonaventura, Petrak, Neighbors, de Braga, Perkins, Carpenter, Collins, Wendell Williams, Smith, Chowning, Segerblom, McGaughey, Giunchigliani, Bache, Freeman, Spitler, Kenny, Evans, Anderson, Regan, Price, Bennett, Garner, Lambert and Haller. 1488, 1526, 1599.

81....Honors former Assemblyman from Clark County, James J. Banner. Chowning, Bache, Wendell Williams, Regan, Segerblom, de Braga, Freeman, Sader, Schneider, Garner, Smith, Lambert, Anderson, Haller, Tiffany, Scherer, Gibbons, Toomin, Kenny, Ernaut, Neighbors, Petrak, Bonaventura, Bennett, Hettrick, Augustine, Porter, Marvel, Gregory, Evans, McGaughey, Spitler, Collins, Price, Perkins, Heller, Arberry, Humke, Giunchigliani, Dini, Myrna Williams and Carpenter. 1575, 1601, 1672.

82....Commends Superintendent and staff of State Printing and Micrographics Division of Department of General Services for services rendered to Nevada Legislature. Dini, Price, Anderson, Arberry, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Ernaut, Evans, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Haller, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Regan, Sader, Scherer, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin, Myrna Williams and Wendell Williams. 1675, 1711, 1871.

83....Memorializes James Calhoun, former director of Nevada State Museum. Heller, Gibbons, Gregory, Toomin, Kenny, Giunchigliani, Myrna Williams, Schneider, Ernaut, Neighbors, Segerblom, Petrak, Hettrick, Bonaventura, Augustine, Wendell Williams, Bennett, Porter, Marvel, Bache, Tiffany, McGaughey, Evans, Lambert, de Braga, Anderson, Smith, Chowning, Scherer, Arberry, Spitler, Price, Collins, Regan, Perkins, Humke, Freeman, Garner, Sader, Carpenter and Dini. 1676, 1677, 1711, 1871.

84....Commends Michael H. Meyer, Executive Director of Boys and Girls Clubs of Las Vegas. Chowning, Dini, Bache, Kenny, Smith, Giunchigliani, Bennett, Anderson, Arberry, Augustine, Bonaventura, Carpenter, Collins, de Braga, Ernaut, Evans, Freeman, Garner, Gibbons, Gregory, Haller, Heller, Hettrick, Humke, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Price, Regan, Sader, Scherer, Schneider, Segerblom, Spitler, Tiffany, Toomin, Myrna Williams and Wendell Williams. 1739, 1740, 1833, 1952.

ASSEMBLY RESOLUTIONS

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1....Adopts Standing Rules of Assembly for 67th session of Legislature. Committee on Elections and Procedures. 22, 68.

2....Provides allowances for periodicals, stamps, stationery and communications. Committee on Elections and Procedures. 33, 68.

3....Provides for appointment of attaché. Committee on Elections and Procedures. 33, 68.

4....Provides for appointment of additional attaché. Committee on Elections and Procedures. 145, 159.

5....Provides for appointment of additional attachés. Committee on Elections and Procedures. 199, 229.

6....Amends Standing Rules of Assembly by adding member to certain committees. Committee on Elections and Procedures. 271, 293.

7....Provides for appointment of additional attaché. Committee on Elections and Procedures. 566, 590.

8....Provides for appointment of additional attaché. Committee on Elections and Procedures. 681, 708.

9....Provides for appointment of additional attaché. Committee on Elections and Procedures. 929, 983.

10....Adopts condensation, explanation, arguments and fiscal note for Assembly Joint Resolution No. 24 of 66th session. Committee on Government Affairs. 1431, 1487, 1493, 1572.

11....Provides for additional attaché. Committee on Elections and Procedures. 1473, 1572.

12....Adopts condensation, explanation, arguments and fiscal note for Assembly Bill No. 173 of 67th legislative session. Committee on Elections and Procedures. 1738, 1952.

13....Designates certain Assemblymen as regular and alternate members of Legislative Commission. Myrna Williams, Dini and Marvel. 1805, 1806.

LISTING OF SENATE BILLS

(For summaries of Senate Bills see Senate Journal.)

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302....380, 381, 383, 388,* 401.
303....1376, 1380, 1526, 1531, 1568, 1596,* 1672.
306....425, 426, 681, 692, 717,* 751, 885, 914, 1066, 1068, 1113.
307....380, 381, 394, 395,* 401.
308....485, 489, 640, 663, 675,* 697.
309....867, 872, 1114, 1142, 1172, 1193,* 1409.
310....472, 473, 1014, 1110, 1145,* 1411, 1429.
311....485, 489, 623, 651, 657, 931, 936, 979,* 1376, 1409.
313....880, 881, 1158, 1181, 1378,* 1429.
314....440, 443, 846, 861, 869,* 912.
316....376, 377, 1197, 1198, 1359, 1365, 1370,* 1411, 1429.
318....543, 545, 640, 663, 675, 676,* 697.
319....543, 545, 640, 663, 676,* 697.
320....425, 426, 485, 505, 511, 519,* 553.
321....656, 750, 785, 812,* 843, 851, 892, 1420, 1431, 1454.
322....1176, 1177, 1832, 1846, 1856, 1878, 1884, 1886, 1926, 1928,* 2023, 2024, 2033, 2047, 2050.
327....1950, 1954, 2011, 2012, 2013*.
328....656, 928, 964, 979, 980,* 1012.
329....561, 567, 579, 588, 590,* 612.
330....472, 473, 593, 610, 614, 638, 652,* 678.
334....1426, 1429, 1597, 1599, 1602, 1624, 1681, 1699,* 1871.
335....867, 872, 1056, 1117, 1127, 1145,* 1194.
336....461, 463, 593, 611, 614, 638, 652,* 678.
340....744, 745, 866, 888, 905,* 953.
341....543, 545, 593, 611, 614, 638, 652,* 678.

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342....744, 745.
343....616, 619, 789, 810, 826, 832, 838, 839,* 864.
344....555, 557, 789, 810, 826, 827,* 851.
346....1426, 1429.
347....1132, 1136, 1573, 1583, 1591, 1601, 1607, 1800, 1802, 1878, 1885,* 2016.
348....680, 683, 854, 878, 884,* 927.
351....955, 956, 1003, 1058, 1071, 1120,* 1173.
352....1627, 1628.
353....969, 970.
354....744, 745, 1869, 1877, 1913, 1925, 1955, 1956,* 2025, 2033.
357....616, 620, 928, 964, 980,* 1012.
360....1396, 1397.
361....667, 671, 1645, 1653, 1654, 1655, 1706, 1707, 1708,* 1799, 1871.
362....1717, 1735, 1801, 1822, 1836,* 1837.
363....667, 671, 1114, 1142, 1172, 1193,* 1409.
365....914, 916.
368....854, 856, 1645, 1653, 1655, 1698,* 1871.
369....624, 625, 831, 849, 862,* 890.
370....1158, 1160, 1710, 1716, 1724, 1805, 1816, 1817,* 1824, 2016.
371....1799, 1801, 1832, 1838, 1863, 1864,* 1870, 2051.
375....1606, 1796, 1799, 1833, 1837*.
376....1584, 1585, 1710, 1716, 1726, 1810, 1811,* 1824, 2051.
378....820, 824.
380....854, 856, 1175, 1362, 1393, 2017.
381....1833, 1834, 1873, 1889, 1900, 1906*.
382....711, 715, 1004, 1058, 1071, 1120,* 1173.
385....759, 762, 1394, 1396, 1407, 1416, 1425,* 1488, 1523.
388....624, 625, 1012, 1058, 1071, 1120, 1121,* 1173.
389....1015, 1016, 1393, 1396, 1407, 1415,* 1486.
390....1015, 1016, 1393, 1396, 1407, 1415,* 1486.
391....1068, 1072, 1711, 1716, 1726, 1811,* 1824, 2051.
392....759, 762, 891, 920, 936,* 983.
393....843, 847, 891, 920, 936, 1117, 1121,* 1173.
396....1015, 1016, 1525, 1531, 1568, 1596,* 1672.
397....656, 928, 964, 980,* 1012.
398....1437, 1451, 1832, 1846, 1857, 1874, 1878, 1913, 1925,* 2047.
399....880, 881, 1737, 1739, 1767, 1805, 1817,* 1824, 1908.
400....843, 847, 1115, 1142, 1193,* 1431, 1454.
402....892, 1371, 1385, 1412, 1417, 1431, 1436,* 1908.
405....1376, 1380, 1716, 1726, 1805, 1817,* 1824, 2011.
407....832, 833, 928, 964, 980,* 1012.
408....1176, 1177, 1384, 1396, 1408, 1415,* 1416, 1486.
409....1526, 1527.
411....984, 985, 1679, 1686, 1696, 1711, 1714,* 1736, 1833, 2051.
413....969, 971, 1678, 1686, 1696, 1711, 1714,* 1736, 1833, 2051.
415....1537, 1569, 1832, 1846, 1858, 1878, 1885,* 2016.
416....1437, 1451, 1525, 1531, 1568, 1596,* 1672.
421....1606, 1607, 1739, 1768, 1805, 1817, 1819,* 1824, 2011.
422....867, 872, 972, 1185, 1363, 1416,* 1488, 1523.
425....760, 762, 866, 888, 905, 906,* 953.

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427....1526, 1527, 1710, 1716, 1727, 1811,* 1824, 2051.
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430....1004, 1008, 1011, 1012, 1632, 1633, 1635, 1681, 1683, 1711, 1714, 1715,* 1736, 1833, 1952.
433....854, 856, 984, 1010, 1065,* 1130.
434....1196, 1197, 1600, 1633, 1643, 1679, 1697,* 1698, 1908.
435....892, 1528, 1531, 1568, 1596, 1597,* 1672.
437....1015, 1016, 1158, 1181, 1378,* 1429.
440....1574.
441....880, 881, 1114, 1142, 1172, 1193,* 1409.
442....914, 917, 1131, 1170, 1193, 1194,* 1409.
443....854, 856, 929, 964, 980,* 981, 1012.
444....1376, 1380, 1526, 1531, 1568, 1597,* 1672.
447....1485, 1800, 1822, 1837*.
452....1537, 1569, 1717, 1739, 1770, 1805, 1819,* 1824, 1908.
454....892, 1579, 1583, 1592, 1604, 1608,* 1796.
456....832, 833, 1528, 1531, 1568, 1597,* 1672.
458....1158, 1160, 1737, 1739, 1770, 1811,* 1824, 1952.
460....1437, 1451, 1525, 1531, 1568, 1598, 1604,* 1796.
461....1584, 1585, 1880, 1892, 1950, 1951,* 2016.
462....1396, 1397, 1600, 1607, 1612, 1628, 1631, 1681, 1699, 1702, 1715, 1727, 1805, 1819,* 1820, 1824, 2011.
466....892, 1067, 1116, 1145, 1155,* 1194.
467....1485, 1486, 1600, 1607, 1614, 1631,* 1796.
470....1627, 1628, 1717, 1739, 1770, 1811,* 1824, 2051.
471....1485, 1486, 1737, 1739, 1771, 1811, 1812,* 1824, 2051.
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473....843, 847, 1739, 1780, 1781, 1805, 1820,* 1824, 1908.
474....1437, 1451, 1584, 1626, 1679, 1711, 1715,* 1736, 1908.
475....1717, 1735, 1801, 1822, 1837*.
476....1537, 1569.
477....1396, 1397, 1600, 1607, 1614, 1631, 1716, 1733, 1805, 1820,* 1824, 2011.
478....1004, 1008, 1157, 1181, 1378, 1379,* 1429.
479....1526, 1527, 1624, 1631, 1632,* 1796.
482....1950, 1954, 2011, 2013*.
484....1437, 1451, 1600, 1607, 1614, 1632,* 1796.
485....984, 986, 1175, 1363, 1393,* 1454.
490....1584, 1585, 1711, 1716, 1727, 1812,* 1824, 1952.
491....1176, 1177, 1738.
492....880, 881, 976, 986, 1011,* 1113.
493....1874, 1877.
494....955, 957, 1708,* 1871.
495....1396, 1397, 1738, 1739, 1771, 1805, 1820,* 1908.
497....1627, 1628, 1832, 1846, 1859, 1878, 1885,* 2016, 2019, 2037, 2042, 2050.
498....1908, 1909, 1950, 1954, 1955*.
499....1068, 1072, 1525, 1531, 1568, 1598, 1604,* 1796.
501....1717, 1735, 1738, 1799, 1883*.
503....969, 971, 1158, 1181, 1379,* 1429.
506....1606, 1607, 1623, 1633, 1698,* 1871.
507....1485, 1486, 1653, 1655, 1698,* 1871.
508....1376, 1380, 1463, 1502, 1527, 1534,* 1627, 1672.
510....1526, 1527.

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511....1799, 1801, 1883, 1897, 1922, 1927, 1928, 1929, 1932,* 2016.
512....1606, 1607, 1674, 1686, 1697, 1712,* 1736, 1871.
514....1526, 1527, 1624, 1632,* 1796.
515....1526, 1527, 1624, 1632,* 1796.
517....1376, 1381, 1597, 1599, 1604,* 1796.
518....1717, 1736, 1738, 1799, 1883, 1884*.
522....2024, 2025, 2034, 2035*.
523....2011.
526....1485, 1486, 1737, 1739, 1771, 1812,* 1824, 1952.
527....1485, 1486, 1832, 1838, 1864, 2017.
528....1717, 1736, 1950, 1954, 1955*.
531....1196, 1197, 1954, 2011, 2013*.
532....1606, 1607.
533....1627, 1628, 1737, 1739, 1771, 1805, 1820,* 1824, 1908.
536....1437, 1451, 1525, 1531, 1568, 1598, 1605,* 1796.
540....1426, 1429, 1736, 1739, 1772, 1805, 1820, 1878, 1885, 2016.
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542....1833, 1834, 1873, 1889, 1900, 1906*.
544....1833, 1834, 1873, 1889, 1900, 1906*.
545....1717, 1736, 1832, 1838, 1864,* 1870, 2051.
550....1606, 1607, 1623, 1633, 1698, 1711, 1715,* 1736, 1833, 2051.

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551....1526, 1527, 1734, 1739, 1772, 1812,* 1824, 2051.
552....1833, 1834, 1873, 1897, 1955,* 2034.
553....1537, 1569, 1832, 1838, 1864,* 1870, 2051.
554....1537, 1569, 1697, 1699, 1700, 1711, 1715,* 1736, 1833, 1952.
555....1687, 1908, 1913, 1956,* 2047.
557....2011, 2015, 2016, 2021*.
559....1780, 1889, 1898, 1950, 1951,* 2016.
560....1908, 1909, 1922, 1927,* 1928.
561....1908, 1909, 1950, 1954, 1955,* 1956.
562....1537, 1570, 1734, 1739, 1772, 1812,* 1824, 1952.
563....1833, 1834, 1869, 1877, 1889, 1900, 1906, 1907*.
564....1606, 1607, 1621, 1622,* 1623, 1796.
566....1874, 1877, 1908, 1913, 1925, 1926*.
567....1687, 1734, 1739, 1772, 1813,* 1824, 2051.
568....1799, 1801, 1835, 1838, 1864,* 1870, 1952.
569....1799, 1801, 1835, 1838, 1864, 1865,* 1870, 1952.
570....1799, 1801, 1832, 1838, 1865,* 1870, 2051.
571....1799, 1801, 1835, 1838, 1865,* 1869, 1870, 1952.
573....1950, 1951, 1954, 2011, 2013*.
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7....656, 710, 722, 891, 921, 959,* 1015, 1128, 1158, 1522, 1526, 1625.
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19....711, 712, 853, 878, 884,* 927.
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25....681, 789, 810, 827,* 851.
26....548, 549, 550,* 571.
27....1396, 1397, 1710, 1716, 1727, 1805, 1821,* 1824, 1908.
29....1537, 1569.

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12....275, 278, 309.
14....556, 640, 641, 678.
15....556, 640, 641, 678.
16....480, 602, 603, 638.
17....586, 1003, 1006, 1015, 1376, 1423, 1488, 1735, 1799, 1952.
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29....551, 571.
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32....570, 590.
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34....634, 666.
35....1833, 1862, 1866, 1874, 1881, 2011.
36....657, 658, 688.
37....693, 719.
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40....906, 953.
41....932, 983.
42....960, 964, 1001.
43....1833, 1846, 1847, 1871, 1875, 1909, 2016.
44....1056, 1057, 1130.
45....1137, 1138, 1194.
46....1833, 1846, 1847.
47....1717, 1735, 1737, 1738, 1742, 1952.
48....1385, 1386, 1454.
49....1627, 1628, 1711, 1714, 1871.
50....1537, 1569, 1710, 1711, 1714, 1871.
51....1584, 1716, 1718, 1736, 1871.
52....1833, 1834, 1846, 1847.
53....1528, 1533, 1625.
54....1574, 1575, 1583, 1672.
55....1833, 1834, 1846, 1847.
56....1606, 1796.

ELECTED OFFICERS OF THE NEVADA STATE ASSEMBLY

Sixty-seventh Session, 1993

Title	*Name*	*Mailing Address*
Speaker	Joseph E. Dini, Jr.	104 N. Mountain View, Yerington 89447
Speaker pro Tempore	Myrna T. Williams	3441 Sioux Way, Las Vegas 89109
Chief Clerk	Mouryne B. Landing	P.O. Box 138, Carson City 89702

PERSONNEL OF THE NEVADA STATE ASSEMBLY

Sixty-seventh Session, 1993

District	*Name and Party*	*Mailing Address*
Carson City (part), Washoe (part), No. 37	Ernaut, Peter G. (Pete) (R)	708 N. Center Street, 2nd Floor, Reno 89501
Carson City (part), No. 40	Heller, Dean A. (R)	1520 Andorra Dr., Carson City 89703
Clark, No. 1	Collins, Clarence W., Jr. (Tom) (D)	4716 W. San Miguel Ave., North Las Vegas 89030
Clark, No. 2	Scherer, Scott (R)	5501 Kettering Place, Las Vegas 89107
Clark, No. 3	Bonaventura, John (D)	4331 Evergreen Place, Las Vegas 89107
Clark, No. 4	Kenny, Erin (D)	7605 Oyster Cove Drive, Las Vegas 89128
Clark, No. 5	Gregory, William D. (Bill) (R)	8916 Coastwalk Circle, Las Vegas 89117
Clark, No. 6	Williams, Wendell P. (D)	2200 Canary Way, Las Vegas 89106
Clark, No. 7	Arberry, Morse, Jr. (D)	1330 Virginia City Ave., Las Vegas 89106
Clark, No. 8	Porter, Gene T. (D)	302 E. Carson Ave., 4th Floor, Las Vegas 89101
Clark, No. 9	Giunchigliani, Christina R. (Chris) (D)	706 Bracken Ave., Las Vegas 89104
Clark, No. 10	Williams, Myrna T. (D)	3441 Sioux Way, Las Vegas 89109
Clark, No. 11	Bache, Douglas A. (D)	2236 Melinda Ave., Las Vegas 89101
Clark, No. 12	Augustine, Kathy M. (R)	1400 Maria Elena Drive, Las Vegas 89104
Clark, No. 13	McGaughey, James W. (R)	P.O. Box 81468, Las Vegas 89180
Clark, No. 14	Garner, Val Z. (D)	4917 E. Monroe Ave., Las Vegas 89110
Clark, No. 15	Toomin, Louis A. (Lou) (D)	3852 Topaz St., Las Vegas 89121
Clark, No. 16	Bennett, Rick C. (D)	1824 Misty Glade Dr., Las Vegas 89119
Clark, No. 17	Price, Robert E. (Bob) (D)	P.O. Box 3759, North Las Vegas 89030
Clark, No. 18	Petrak, William A. (D)	3435 Lost Hills Dr., Las Vegas 89122
Clark, No. 19	Regan, John B. (Jack) (D)	1650 Cookson Court, Las Vegas 89115
Clark, No. 20	Smith, Stephanie (D)	1536 Gatepost Ave., Las Vegas 89031

District	*Name and Party*	*Mailing Address*
Clark, No. 21	Tiffany, Sandra (R)	75 Quail Run Rd., Henderson 89014
Clark, No. 22	Segerblom, Gene W. (D)	P.O. Box 61136, Boulder City 89006
Clark, No. 23	Perkins, Richard (D)	408 Glasgow Street, Henderson 89015
Clark, No. 28	Chowning, Vonne (D)	P.O. Box 43211, Las Vegas 89116
Clark, No. 41	Spitler, Larry L. (D)	1701 E. Katie Ave., No. 93, Las Vegas 89119
Clark, No. 42	Schneider, Michael A. (Mike) (D)	6381 Sandpiper Way, Las Vegas 89103
Douglas (part), Carson City (part), No. 39	Hettrick, Lynn (R)	1475 Glenwood Drive, Gardnerville 89410
Elko, (part), No. 33	Carpenter, John C. (R)	P.O. Box 190, Elko 89803
Esmeralda, Lincoln, Mineral, Nye, No. 36	Neighbors, P. M. Roy (D)	P.O. Box 1631, Tonopah 89049
Humboldt, Pershing, Elko (part), Eureka (part), Lander (part), No. 34	Marvel, John W. (R)	P.O. Box 1270, Battle Mountain 89820
Lyon, Storey, Carson City, (part), No. 38	Dini, Joseph E., Jr. (D)	104 N. Mountain View, Yerington 89447
Washoe, No. 24	Freeman, Vivian L. (D)	1665 Carlin St., Reno 89503
Washoe, No. 25	Gibbons, James A. (Jim) (R)	2535 Kinney Lane, Reno 89511
Washoe, No. 26	Humke, David E. (R)	P.O. Box 70656, Reno 89570
Washoe, No. 27	Haller, Kenneth L. (Ken) (D)	1611 Clemson Rd., Reno 89502
Washoe, No. 29	Lambert, Joan A. (R)	55 Bitterbrush Rd., Reno 89523
Washoe, No. 30	Evans, Jan (D)	3250 Wilma Dr., Sparks 89431
Washoe, No. 31	Anderson, Bernie (D)	747 Glen Meadow Dr., Sparks 89434
Washoe, No. 32	Sader, Robert M. (D)	462 Court St., Reno 89501
Churchill, White Pine, Eureka (part), Lander (part), No. 35	de Braga, Marcia (D)	11050 Fitz Lane, Fallon 89406

ATTACHÉS OF THE NEVADA STATE ASSEMBLY

Sixty-seventh Session, 1993

Name	*Title*	*City of Residence*
Carol L. Moore	Assistant Chief Clerk	Carson City
Lucinda Benjamin	History Clerk	Schurz
Linda Alden	Journal Clerk	Carson City
Jane Gill	Minute Clerk	Carson City
Charles W. Van Geel, Jr.	Sergeant at Arms	Reno
Martin Lachter	Assistant Sergeant at Arms	Las Vegas
Jason P. Hataway	Senior Page	Carson City
Scott M. Ruedy	Senior Page	Reno
Rebecca Lawson	Page	Carson City
Jennifer R. Smith	Page	Carson City
Pat Hatch	Supervisor of Secretarial Staff	Reno
Christine Shaw	Assistant Supervisor	Carson City
Betty Day	Speaker's Secretary	Silver Springs
Barbara J. Pryor	Speaker pro Tempore's Secretary	Gardnerville
Cindy E. Southerland	Majority Leader's Secretary	Carson City
Yhvona F. Martin	Minority Leader's Secretary	Carson City
Laverna Marwin	Leadership Receptionist	Carson City
Carolyn Maynick	Chief Clerk's Secretary	Carson City
Iris J. Bellinger	Committee Secretary	Silver Springs
Courtnay A. Berg	Committee Secretary	Carson City
Constance J. Campbell	Committee Secretary	Reno
Jessie A. Caple	Committee Secretary	Minden
Linda D. Chandler-Law	Committee Secretary	Carson City
Marilyn Cole	Committee Secretary	Gardnerville
Reba A. Coombs	Committee Secretary	Carson City
Barbara A. Doke	Committee Secretary	Minden
Linda E. Featheringill	Committee Secretary	Carson City
C. Dale Gray	Committee Secretary	Reno
Judy A. Hanna	Committee Secretary	Carson City
Carolyn J. Harry	Committee Secretary	Nixon
Sara J. Kaufman	Committee Secretary	Dayton
Dianne Laird	Committee Secretary	Carson City
Patricia H. Menath	Committee Secretary	Carson City
Bobbie A. Mikesell	Committee Secretary	Carson City
Chandra F. Penderland	Committee Secretary	Dayton
Jeanne Peyton	Committee Secretary	Carson City
Kerin E. Putnam	Committee Secretary	Dayton
Barbara D. Tonge	Committee Secretary	Carson City
Betty M. Wills	Committee Secretary	Dayton
Janet L. Busse	Secretary	Minden
April Carino	Secretary	Minden
Carol L. Dickerson	Secretary	Reno
Maureen D. Francisco	Secretary	Carson City
Judy A. Gyarmathy	Secretary	Carson City
Donna K. Hancock	Secretary	Carson City
Frances M. Hill	Secretary	Carson City
Marian I. Howard	Secretary	Winnemucca
Sylvia M. Mays	Secretary	Carson City
Paulette Simpson	Secretary	Las Vegas

Name	*Title*	*City of Residence*
Marlene L. Staub	Secretary	Carson City
Rebecca A. Whitmore	Secretary	Carson City
Jeanette Whorton	Data Control Operator	Minden
Diane L. Randall	Reproduction Operator	Virginia City
Sally W. Dunfield	Supervisor of Bill Clerks	Carson City
Mary L. Carel	Assistant Supervisor of Bill Clerks	Carson City
Morse R. Burley	Bill Clerk	Carson City
Edward V. Cordisco, Jr.	Bill Clerk	Carson City
Melvin T. Cowperthwaite	Bill Clerk	Carson City
Linda L. Cummings	Bill Clerk	Dayton
Mark T. Hess	Bill Clerk	Reno
Lois Lahair	Bill Clerk	Carson City
Martha J. Laird	Bill Clerk	Carson City
Nikki L. Maloney	Bill Clerk	Carson City
Ronald D. Marwin	Bill Clerk	Carson City
Birgitta M. Metz	Bill Clerk	Minden
John Reid Meyer	Bill Clerk	Carson City
Shanna H. Pozzi	Bill Clerk	Carson City
Mary D. Smith	Bill Clerk	Carson City
Vera K. Williams	Bill Clerk	Silver Springs

Journal

OF THE

ASSEMBLY OF THE STATE OF NEVADA

SIXTY-SEVENTH SESSION

THE FIRST DAY

CARSON CITY (Monday), January 18, 1993

Pursuant to the provisions of the Constitution and Statutes, the Assembly was called to order by Secretary of State Cheryl A. Lau at 12 noon.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Our Father in heaven, today is the day we honor a man with a dream. As we come to this opening session, each one of us had a dream, too. May our dream, our goal, our purpose for this 67th session be the betterment of our people. May we serve them with humility, sacrifice, and love. May we serve them above ourselves. Thank you for this glorious opportunity. We also ask a special blessing on our colleague, Mr. Haller. May he recover soon and be with us. AMEN.

Presentation of Colors by Boy Scout Honor Guard, Boulder Dam Area Council.

ANCIENT BANNER

By Seth Long

High she rises above the shrouded mists.
High she waves and flutters above the golden land.
Blessed be she always into eternities ancient shore.
She stands for the highest alone, Freedom, Liberty and Justice. O through the times she has been tried.
The pitched scream of her gallant minutemen at Concord or how she beamed with joy at Yorktown upon the sea.
She unfurled her banners high. How she hung low when Washington burned. Those broad stripes and stars seemed to weep when brother fought brother. How she smiled when we were united.
She saved the world twice. O mighty banner how you spanned the globe.
You rise above the shrouded mists.
Your call is simple for it tis a beacon for all to follow.

Liberty, Peace, Freedom, Happiness. You have seen the endless centuries pass, you have climbed the hill to see our future.
The trials that passed are your test of will and testament for all to hear the present and the past, and immortal future.
Ancient Banner most high I praise thee.
For all my day I stand under your shadow.
Liberty is the sweetest song you have ever sung to thee.
You stand above all the nations and alone you flutter for liberty and good men's freedom.

Pledge of allegiance to the Flag.

Madam Secretary of State requested Mrs. Mouryne B. Landing to serve as temporary Chief Clerk of the Assembly.

Roll called.

Present: Assemblymen Anderson, Arberry, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Dini, Ernaut, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Price, Regan, Sader, Scherer, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin, Myrna Williams and Wendell Williams.

Absent: Assemblyman Haller, who was excused.

Madam Secretary of State appointed Assemblymen Myrna Williams, Porter, Price, Sader, Dini, Humke, Garner, Lambert, Petrak and Scherer as a temporary Committee on Elections and Procedures.

Assembly in recess at 12:11 p.m.

ASSEMBLY IN SESSION

At 12:34 p.m.

Madam Secretary of State presiding.

Quorum present.

REPORTS OF COMMITTEES

Madam Secretary of State:

Your temporary Committee on Elections and Procedures has had the credentials of the respective Assemblymen-elect under consideration, and begs leave to report that the following persons have been and are duly elected and qualified Members of the Assembly of the 67th Session of the Legislature of the State of Nevada: Assemblymen Anderson, Arberry, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Dini, Ernaut, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Price, Regan, Sader, Scherer, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin, Myrna Williams and Wendell Williams and Mr. Kenneth Haller who was administered the oath of office on Saturday, January 16, 1993 in Reno.

Assemblyman Myrna Williams moved the adoption of the report.

Motion carried unanimously.

Madam Secretary of State appointed Assemblymen Sader and Scherer as a committee to escort Chief Justice Robert E. Rose of the Supreme Court of the State of Nevada to the rostrum to administer the oaths of office to the Assemblymen.

Chief Justice Rose administered the oaths of office to the Assemblymen.

Assemblyman Porter moved that Chief Justice Rose be given a unanimous vote of thanks for administering the oath.

Motion carried unanimously.

The appointed committee escorted the Chief Justice of the Supreme Court to the bar of the Assembly.

Roll called.

Present: Assemblymen Anderson, Arberry, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Dini, Ernaut, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Price, Regan, Sader, Scherer, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin, Myrna Williams and Wendell Williams. Absent: Assemblyman Haller, who was excused.

Madam Secretary of State announced that there would be no temporary organization of the Assembly, and that all nominations were in order for permanent appointment.

Madam Secretary of State declared that nominations were in order for Speaker.

Assemblyman Porter nominated Assemblyman Dini for Speaker.

Remarks by Assemblyman Porter.

Assemblyman Bennett moved that nominations be closed.

Motion carried unanimously.

Madam Secretary of State declared Assemblyman Dini to be Speaker of the Assembly.

Madam Secretary of State appointed Assemblymen Porter and Arberry as a committee to escort Mr. Speaker to the rostrum.

Mr. Speaker presiding.

Assemblyman Giunchigliani moved that Secretary of State Lau be given a unanimous vote of thanks for her services to the Assembly.

Motion carried unanimously.

Mr. Speaker appointed Assemblymen Freeman and Tiffany as a committee to escort the Secretary of State to the bar of the Assembly.

The appointed committee escorted Secretary of State Lau to the bar of the Assembly.

Remarks by Mr. Speaker.

Assemblyman Porter requested that Mr. Speaker's remarks be entered in the Journal.

I want to thank the members of the house for their support. It is certainly an honor and a privilege for me to accept this Speakership and to serve along side you at the Sixty-seventh Session of the Nevada Legislature.

And here let me dispel any rumors you newcomers may have heard that I have served at all 66 previous sessions. That is malicious gossip.

Despite today's festivities which include recognizing Dr. Martin Luther King, Jr. and opening this session, once again this country finds itself under a cloud of uncertainty about

growing tensions in the mideast. It reminds us to remain focused on resolution not only of the issues of this nation and this state, but those of the world as well. In addition, please join me in keeping fellow assemblyman Ken Haller in our thoughts and prayers as well. Ken, we wish you a speedy and healthy return to this chamber.

Congratulations everyone on your successful campaigns. Now then, I have done a little research about the make up of this Assembly which I'd like to share with you.

Collectively, we range in age from our 20s to somewhere around the 60s. We average 48 years of age, and I'd trade for 48 instead of the one I've got.

From an experienced standpoint, this assembly averages four years of legislative experience. And I'm pleased to note we have 12 Assembly women, a full 50 percent more than two years ago.

The 16 new Assemblymen and women who weren't here last session represent a 38 percent turnover from 1991. Combined with the 50 percent turnover in the Assembly in 1991, this reminds us all that we should take nothing for granted. We really don't need term limitation in Nevada. I think the voters do a nice job of that.

In 1993, the Assembly is comprised of diverse people with diverse backgrounds and I think it's great. It gives us the breadth to address many of the wide range of issues that faces us here at this session. Just how wide is that experience?

Well the 42 people sitting in the voting chairs of this house can run a household or a business as well as round up cattle or direct an orchestra. Now that's real diversity. This reflects the type of balance our members have—balance which will prove valuable in juggling the many issues we will face.

And I'm really pleased about the leadership group we have assembled. On the majority side, Speaker Pro Tem Myrna Williams is an experienced legislator and a solid leader as is Majority Leader Gene Porter. I'm fortunate to have them and they are well supported by Assistant Majority Leader Rick Bennett and Majority Whip Bob Sader.

And on the other side of the aisle, Minority Leader John Marvel is an excellent lawmaker who will do a fine job for us here in these chambers. He is capably assisted by Bill Gregory as Assistant Minority Leader.

Collectively, it's a sound leadership team which we can help guide the development of this great crop of freshmen who bring ability, enthusiasm and change to this body.

It is my sincere hope that one such change is that this will be a more harmonious session than 1991. Too often, emotions and regionalism dominated in the waning days of that session. Tolerance is an important ingredient in the success of this process so critical to the well-being of our state.

Each of us has an obligation to our constituents, and I believe, to Nevada as a whole. We are one state, made up of good people with varied needs, but we are one state.

More than a century ago, literary great Rudyard Kipling wrote, "East is East and West is West and never the twain shall meet." Had he lived in Nevada in 1991, perhaps he might have written, "North is North and South is South and never the twain shall meet." But remember the rest of Kipling's poem says, "But there is neither East nor West, border, nor breed, nor birth, when two strong men . . ." and here I should add, or women, ". . . stand face to face, though they come from the end of the earth." That poem highlights what this legislative process is about—face to face and shoulder to shoulder in our dealings. It's called negotiation, and it's called give and take. And make no mistake, it's hard work.

There are several issues which need to be addressed in 1993. This legislature must adopt a realistic budget that reflects today's difficult financial times. We have the boarded up Ormsby House across the street as a reminder of the difficulties in the economy today.

At the same time we cannot afford to lose such gains as the important class size reductions already in place which will help protect our children's future.

We also need to revisit the business tax whose inequities have proven to be hard on the small business owners. And absolutely we must adopt meaningful workers' compensation reform in 1993. This is the game breaker, the big one. With liabilities ranging from one to two billion dollars, with a capital B, it simply cannot go unattended this year. It is not

acceptable that this system designated to make injured workers well is perhaps itself, the sickest patient the legislature has to deal with. It frustrates injured workers and employers alike.

When I was a younger assemblyman in 1967, and that is quite a while ago, my legislative mentor was Joe Viani from Hawthorne, Nevada. He gave me some great advice. It was to listen carefully to all the information on the bills you see and think hard about them. As tempting as it might be to get committed to a position early, be patient. Gather as much information as is possible before taking a position. Failing to do your homework means you either ride out a bad position or you flip flop. Neither will serve you well as lawmakers. However, once you've got all the facts, then stay with your position, although you would be wise to allow some space for compromise. For the fact is, this is not an all or nothing process. It's a process of degrees.

And there are no quick fixes, although in a really tough spot nothing would prevent you from going across the street to visit the psychic reader which is positioned across Carson Street. I have thought about doing that a few times myself.

Seriously, 1993 is a once in a lifetime opportunity for all of us. Who knows what fate has in store for us. A return here, onward and upward to another elected office, or something else. We just don't know. I urge you to grab this moment, to make it happen. More than a million fellow Nevadans are counting on us.

Now, I'd ask you all to join me in a big round of applause for the people up front here who are responsible for getting us organized, the people who make this machine run, Chief Clerk Mouryne Landing and her staff. As we go through the session, you will find out how really important they are.

Many thanks also to the behind the scenes people in the Legislative Counsel Bureau who have worked so diligently, and for everyone else here who participates in this process.

And never lose sight of the fact that the Assembly has been and always will be the people's house.

Assemblymen and Assemblywomen, this is your day, your moment, you've worked hard to get here, you've earned it, enjoy it.

Thank you for your attention and for your continuing confidence in me as Speaker. It's an honor which touches me dearly.

In closing, I'd like to use this opportunity to give a heartfelt and public thanks to my very special friend and strongest supporter and my life-long mate, my wife Jeanne. Without her and my family, I certainly would not have stayed in the legislature as long as I have.

God bless you and yours. Now let's roll up our sleeves and go to work for the people in the State of Nevada. Thank you.

Mr. Speaker declared that nominations were in order for Speaker pro Tempore.

Assemblyman Spitler nominated Assemblyman Myrna Williams for Speaker pro Tempore.

Assemblyman Price moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Assemblyman Myrna Williams to be Speaker pro Tempore of the Assembly.

Remarks by Madam Speaker pro Tempore.

Assemblyman Spitler requested that Assemblyman Williams' remarks be entered in the Journal.

Thank you very much. Thank you. This is the third time my colleagues have afforded me this honor. I was thinking of what I could say and then I listened to our Speaker, who as usual said everything that needed to be said and everything that we all feel. I do want to thank you for allowing me to be a part of a leadership team where not only the Speaker but every member of this leadership team has a special place in the history of this State and

included in that is our good colleague, the Chairman of the Ways and Means Committee. And so I want you to know that I appreciate it very much. Like everyone else in leadership, my door is always open. If anybody has any questions, difficulties or anything that we can work on, please feel free to come see any of us. Let's have a good session, a harmonious one. I agree with the Speaker, I think the twain will meet this time. I don't think that we will have "the North and South and never the twain shall meet" in this session. Let's put that all behind us. I guess I have a special role in that one. I thank you all again and I look forward to us working together.

Mr. Speaker declared that nominations were in order for Chief Clerk.

Assemblyman Anderson nominated Mouryne B. Landing to be Chief Clerk.

Assemblyman Petrak moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Mrs. Mouryne B. Landing to be the Chief Clerk of the Assembly.

A committee from the Senate composed of Senators Nevin, Lowden and McGinness appeared before the bar of the Assembly and announced that the Senate was organized and ready for business.

Mr. Speaker appointed Assemblymen Porter, Garner and Marvel as a committee to inform the Senate that the Assembly was organized and ready for business.

Mr. Speaker appointed Assemblymen Myrna Williams, Wendell Williams and Lambert as a committee to inform the Acting Governor that the Assembly was organized and ready for business.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:23 p.m.

ASSEMBLY IN SESSION

At 1:45 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter reported that his committee had informed the Senate that the Assembly was organized and ready for business.

Assemblyman Myrna Williams reported that her committee had informed the Acting Governor that the Assembly was organized and ready for business.

COMMUNICATIONS

MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA
DEPARTMENT OF STATE
CARSON CITY, NEVADA January 18, 1993

HONORABLE JOSEPH E. DINI, JR., *Speaker of the Nevada Assembly,* Legislative Building, Carson City, Nevada 89710

DEAR JOE:

In compliance with Nevada law, please find enclosed Assembly Bills 130, 290, and 491 of 66th session of the Nevada Legislature, which were vetoed by Governor Miller. The Governor's veto messages are also enclosed.

Sincerely,
CHERYL A. LAU
Secretary of State

STATE OF NEVADA
DEPARTMENT OF STATE
CARSON CITY, NEVADA January 18, 1993

HONORABLE JOSEPH E. DINI, *Speaker of the Nevada Assembly,* Legislative Building, Carson City, Nevada 89710

DEAR JOE:

In compliance with the laws of the State of Nevada, I am returning Assembly Joint Resolutions 21, 22, and 24 of the 66th session of the Nevada Legislature for consideration.

Sincerely,
CHERYL A. LAU
Secretary of State

STATE OF NEVADA
DEPARTMENT OF STATE
CARSON CITY, NEVADA January 18, 1993

HONORABLE JOSEPH E. DINI, *Speaker of the Nevada Assembly,* Legislative Building, Carson City, Nevada 89710

DEAR JOE:

I am transmitting the following contest of the 1992 General Election for State Assembly which has been filed in my office: District 30-Brendan Trainor vs. Jan Evans.

Sincerely,
CHERYL A. LAU
Secretary of State

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced the following select committee assignment, the first-named member of the committee being the chairman:

Select Committee on Credentials—

Assemblymen Myrna Williams, Price, Dini, Garner, Petrak, Porter, Sader, Humke, Lambert, Scherer.

Mr. Speaker instructed the Chief Clerk to deliver the appropriate documents pertaining to the Contest of Election between Jan Evans and Brendan J. Trainer, which were transmitted to the Assembly by the Secretary of State with her letter of January 18, 1993, to the Select Committee on Credentials.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:48 p.m.

ASSEMBLY IN SESSION

At 2:21 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF SELECT COMMITTEES

Mr. Speaker:

Your Select Committee on Credentials has had under consideration the Contest filed against the election of Jan Evans; has heard the statements of the contestant and Mrs. Evans; and recommends that Mrs. Evans be seated as the elected assemblyman from District No. 30.

MYRNA WILLIAMS, *Chairman*

Assemblyman Myrna Williams moved for the adoption of the report.
Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Bache and McGaughey as a committee to escort Chief Justice Robert E. Rose to the rostrum to administer the oath of office to the Assemblyman.

Chief Justice Rose administered the oath of office to the Assemblyman.

Assemblyman Porter moved that Chief Justice Rose be given a unanimous vote of thanks for administering the oath.
Motion carried unanimously.

The appointed committee escorted the Chief Justice of the Supreme Court to the bar of the Assembly.
Roll called.
Present: Assemblymen Anderson, Arberry, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Ernaut, Evans, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Price, Regan, Sader, Scherer, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin, Myrna Williams, Wendell Williams and Mr. Speaker. Absent: Assemblyman Haller, who was excused.

Assemblyman Porter moved that vetoed Assembly Bills Nos. 130, 290 and 491 of the 66th Session be made a Special Order of Business for Wednesday, January 27, 1993, at 10:45 a.m.
Motion carried.

Assemblyman Myrna Williams moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate broadcasting facilities: Courtney Brenn, Mark Lundahl, Mike Norris, Bill O'Driscoll, CAPITOL INSIDER; Robert (Bob) Dickinson, CONSTRUCTION NOTEBOOK; Andrew Barbano, Angela Curtis, Ralph Heller, Alisa Hicks, Husein Mashni, Kristin Storey, Jim Vollbrecht, DAILY SPARKS TRIBUNE; Dan Steninger, Rex Steninger, ELKO DAILY FREE PRESS; Laura Tennant, Betty Aleck, FERNLEY LEADER-DAYTON COURIER; Robert Lowes,

GATEWAY GAZETTE; David Copelan, Harry Copelan, Howard Copelan, HIGH DESERT ADVOCATE; Susan Brockus, HUMBOLDT SUN; Monie Byers, Carol Fuccillo, Anne Pershing, Jennifer Whitehair, LAHONTAN VALLEY NEWS; Ralph Fountain, John Gurzinski, A. D. Hopkins, Wayne C. Kodey, Jim Laurie, Shaun McKinnon, Jane Anne Morrison, Steve Papinchak, Jon Ralston, Jeff Scheid, John Smith, Gary Thompson, Ed Vogel, Sean Whaley, LAS VEGAS REVIEW-JOURNAL; Jeff German, Erik Pappa, Cy Ryan, LAS VEGAS SUN; Toni Cipriano, David Sanford, Jim Sanford, Keith Trout, MASON VALLEY NEWS; Jack McCloskey, MINERAL COUNTY INDEPENDENT NEWS; Dorothy Y. Kosich, MINING WORLD NEWS; Troy Anderson, Will Behr, Don Ham, Eugene Jack, Ralph Jennings, Lisa A. Kirk, Kit Miller, Sue Morrow, Sandi Wright, NEVADA APPEAL; Jeff Ackerman, Andy Butcher, Kevin Cannon, Mike Rhodes, James Robbins, Kathy Trissell, NORTH LAKE TAHOE BONANZA; Rich Thurlow, PAHRUMP VALLEY TIMES; Melanie Supersano, THE RECORD-COURIER; Jon Ralston, THE RALSTON REPORT; Jean Dixon Aiken, Barbara Anderson, Larry Baden, Phil Barber, Faith Bremner, Courtney Brenn, Don Marquis, Wayne Melton, Veda Morgan, Marilyn Newton, Mike Norris, Mark Nowlin, Bill O'Driscoll, Sevil Omer, David Parker, Craig Sailor, Jennifer Sizemore, Mike Sion, Jim Sloan, Steve Timko, RENO GAZETTE-JOURNAL; Guy Shipler, SACRAMENTO BEE and TIME MAGAZINE; Lee Adler, SALT LAKE TRIBUNE; Patty Maxwell, TRI-COUNTY EXPRESS; Sandi Chereb, Chris Brygiel, Niko Price, Brendan Riley, ASSOCIATED PRESS; Ed Vogel, Sean Whaley, DONREY NEWS BUREAU; Lee Adler, REUTERS NEWS SERVICE; Norm Cardoza, NEVADA FARM BUREAU; Chris Long, GREAT BASIN NETWORK; B. J. Andrews, Jill Andrews, Bob Carroll, Christy Coburn, Fred Cuttler, Jeff Gordon, Tim Hosfeldt, Karen Reuter, Bob D. Sports, KAME-TV; Adrienne Abbott, Connie McCullen, K-BUL, KROW, KNEV; Darryl Nelson, Jeff Perkins, Brooke Willis, KLAS-TV; John Hill, Mitch Fox, Lee Winston, KLVX-TV; John Carroll, Evie Chmura, Curt Daniels, Pat Furrie, Travis Linn, Rosemary Peacock, Dave Santina, KNPB-TV; Pat Hickey, KOH-AM; Lori Aoki, Karl Baker, Bruce Bolf, Erin Breen, Sheri Brown, Cristy Carlson, Perry Cooper, Tad Dunbar, Terisa Estacio, Alan Filippi, Kirk Frosdick, Terri Hendry, Rod Hill, Blaine Holder, Steve Hollman, Carl Lemon, Mark Mayhew, Rob Nikoleski, Joann Oelke, Ed Pearce, Tony Shelton, Dave Stembridge, Lisa Sturgis, Jon Taylor, John Tyson, Dana Wagner, Clare Weaver, Amy Williams, KOLO-TV; Travus T. Hipp, Dave Morgan, Craig Swope, KPTL-AM and KGLE-FM; Angeline Correa, Steve Crupi, Clay Downey, Frank Gallovich, Robert Gonzales, John Gregory, Cathy Hanson, Roderick Johnson, Dave Meador, Mark Paris, Earl Phelps, L. P. Phillips, Angela Rodriquez, Mark Sayre, Kim Sherwood, Ronnie White, KTNV-TV; Dennis Myers, KTVN-TV; Scott Andrus, Tracy Bower, Heidi Calvert, Gwen Castaldi, Bob Clausen, Dave Courvoisier, Mike Curran, Chad Curtis, Mike Cutler, Eric Darensburg, Trace Gallagher, Melissa Gregory, Katie Harris, Hayley Herst, Greg Hodgson, Sarah Hoeveler, Katie McCall, Eric Hulnick, Jeff Lonetree, Shannon Martindale, Robert Mar-

tinez, George Maupin, Mike Moody, Mark Muller, Paige Novodor, David Riggleman, Denise Rosch, Keith Rumph, Terri Russell, Justin Rush, Mary Beth Sewald, Matt Sherwood, Jim Snyder, Sharyn Stein, Randy Swallow, Teri Thomas, Sue Tripathi, Jim Whiggam, Brett Wood, KVBC-TV; Jim Thorpe, CHANNEL 35, Belinda Rohleder, RECORD COURIER; Jay Aldrich, Photographer; Rich Travus, Wally Hawkins, TELEVISION NEWS SERVICES, CREATIVE EDGE; Dick DeWitt, KBUL, KROW.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, January 18, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 1.

Mary Jo Mongelli
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Judiciary:

Assembly Joint Resolution No. 21 of the 66th Session—Proposing to amend the constitution of the State of Nevada to extend the jurisdiction of the commission on judicial discipline.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 21 of article 6 of the constitution of the State of Nevada be amended to read as follows:

Sec. 21. 1. A justice of the supreme court , [or] a district judge , a justice of the peace or a municipal judge may, in addition to the provision of article 7 for impeachment, be censured, retired , [or] removed or otherwise disciplined by the commission on judicial discipline. A justice or judge may appeal from the action of the commission to the supreme court, which may reverse such action or take any alternative action provided in this subsection.

2. The commission is composed of:

(a) Two justices or judges appointed by the supreme court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and

(c) Three persons, not members of the legal profession, appointed by the governor.

The commission shall elect a chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or if it fails to do so the court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. The supreme court shall make appropriate rules for:

(a) The confidentiality of all proceedings before the commission, except a decision to censure, retire or remove a justice or judge.

(b) The grounds of censure [.] and other forms of discipline which may be imposed by the commission.

(c) The conduct of investigations and hearings.

6. No justice or judge may by virtue of this section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

7. Any person may bring to the attention of the commission any matter relating to the fitness of a justice or judge. The commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter shall be served upon the justice or judge against whom the proceeding is brought. The commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this section is entitled thereafter to receive such compensation as the legislature may provide.

8. If a proceeding is brought against a justice of the supreme court, no justice of the supreme court may sit on the commission for that proceeding. If a proceeding is brought against a district judge, no district judge from the same judicial district may sit on the commission for that proceeding. If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the commission for that proceeding. If an appeal is taken from an action of the commission to the supreme court, any justice who sat on the commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the commission is disqualified by this subsection, the supreme court shall appoint a substitute from among the eligible judges.

9. The commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the legislature may from time to time confer upon it.

Assemblyman Porter moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Joint Resolution No. 22 of the 66th Session—Proposing to amend the constitution of the State of Nevada to allow an increase in the salaries of justices of the supreme court and district judges during their terms of office.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 15 of article 6 and section 9 of article 15 of the constitution of the State of Nevada be amended to read respectively as follows:

Sec . [:] 15. The Justices of the Supreme Court and District Judges shall each receive for their services a compensation to be fixed by law and paid in the manner provided by law, which shall not be [increased or] diminished but may be increased during the term for which they [shall] have been elected . [, unless a Vacancy occurs, in which case] If a vacancy occurs, the successor of the former incumbent shall receive only such salary as may be provided by law at the time of his election or appointment [; and provision] ,

which shall not be diminished but may be increased during the remainder of the term to which he was elected or appointed. Provision shall be made by law for setting apart from each year's revenue a sufficient amount of Money, to pay such compensation.

Sec . [:] 9. The Legislature may, at any time, provide by law for increasing or diminishing the salaries or compensation of any of the Officers, whose salaries or compensation is fixed in this Constitution . [; Provided,] Except as otherwise provided in this Constitution, no such change of Salary or compensation shall apply to any Officer during the term for which he may have been elected.

Assemblyman Porter moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Joint Resolution No. 24 of the 66th Session—Proposing to amend section 3 of article 9 of the constitution of the State of Nevada, relating to public debts, to authorize the state to finance the purchase of certain securities and to enter into certain agreements notwithstanding the limitations on state indebtedness.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 3 of article 9 of the constitution of the State of Nevada be amended to read as follows:

Sec. 3. 1. The state may contract public debts; but such debts shall never, in the aggregate, exclusive of interest, exceed the sum of two per cent of the assessed valuation of the state, as shown by the reports of the county assessors to the state controller, except for the purpose of defraying extraordinary expenses, as hereinafter mentioned. Every such debt shall be authorized by law for some purpose or purposes, to be distinctly specified therein; and every such law shall provide for levying an annual tax sufficient to pay the interest semiannually, and the principal within twenty years from the passage of such law, and shall specially appropriate the proceeds of said taxes to the payment of said principal and interest; and such appropriation shall not be repealed nor the taxes postponed or diminished until the principal and interest of said debts shall have been wholly paid. Every contract of indebtedness entered into or assumed by or on behalf of the state, when all its debts and liabilities amount to said sum before mentioned, shall be void and of no effect, except in cases of money borrowed to repel invasion, suppress insurrection, defend the state in time of war, or, if hostilities be threatened, provide for the public defense.

2. The state, notwithstanding the foregoing limitations, may, pursuant to authority of the legislature [, make] :

(a) Make and enter into any and all contracts necessary, expedient or advisable for the protection and preservation of any of its property or natural resources, or for the purposes of obtaining the benefits thereof, however arising and whether arising by or through any undertaking or project of the United States or by or through any treaty or compact between the states, or otherwise [.] ;

(b) Incur obligations to finance the purchase of bonds lawfully issued by school districts in this state; and

(c) Enter into installment or lease purchase agreements if the state's obligations under those agreements are extinguished by the failure of the legislature to appropriate money for the ensuing biennium for payment of the amounts then coming due.

The legislature may from time to time make such appropriations as may be necessary to carry out the obligations of the state under such contracts [,] or agreements, and shall levy such tax as may be necessary to pay the same or carry them into effect.

Assemblyman Porter moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Joint Resolution No. 1—Congratulating Bill Clinton and Al Gore on their inaugurations as President and Vice President, respectively, of the United States.

WHEREAS, On January 20, 1993, Bill Clinton and Al Gore will be formally inaugurated as President and Vice President, respectively, of the United States; and

WHEREAS, The citizens of the United States and Nevada, through the elective process, have expressed their confidence and trust in these men who now must assume leadership of the world's greatest nation, a nation dedicated to human advancement and the realization of peace, liberty and justice for men and women everywhere; and

WHEREAS, Our nation faces many challenges as we enter the last decade of the 20th century and prepare to lead the world into the 21st century; and

WHEREAS, Upon the inaugurations of Bill Clinton and Al Gore, Nevadans and all other Americans must give their undivided support to this team as they lead our great nation over the next 4 years; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 67th Session of the Nevada Legislature extend their best wishes and congratulations to Bill Clinton and Al Gore on their inaugurations as President and Vice President, respectively, of these United States; and be it further

RESOLVED, That the contents of this resolution be dispatched forthwith by telegraph by the Chief Clerk of the Assembly to Bill Clinton and Al Gore, and that thereafter copies of this resolution be prepared and transmitted by the Chief Clerk of the Assembly to Messrs. Clinton and Gore; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

Assemblyman Porter moved that all rules be suspended reading so far had considered first reading, rules further suspended, resolution considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 1—Adopting the Joint Rules of the Senate and Assembly for the 67th session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly as amended by the 66th session are adopted, with the following changes, as the Joint Rules of the Senate and Assembly for the 67th session of the Legislature:

1

COMMITTEES OF CONFERENCE

To Be Appointed by One House at Request of the Other.

In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairmen and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, new bills or resolutions, or other changes as it sees fit. New bills or

resolutions so reported shall be treated as amendments unless the bills or resolutions are composed entirely of original matter, in which case they shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be.

The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment. If either House refuses to adopt the report, or if the first conference committee has so recommended, a second conference committee may be appointed. No member who served on the first committee may be appointed to the second.

There shall be but two committees of conference on any bill or resolution. A majority of the members of a committee of conference from each House must be members who voted for the passage of the bill or resolution.

2

MESSAGES

Procedure Concerning.

Proclamations by the Governor convening the Legislature in extra session shall, by direction of the presiding officer of each House, be read immediately after the convening thereof, filed and entered in full upon the Journal of proceedings.

Whenever a message from the Governor is received, the Sergeant at Arms will announce: "Mr. President, or Mr. Speaker, the Secretary of the Governor is at the bar." The secretary will, upon being recognized by the presiding officer, announce: "Mr. President, or Mr. Speaker, a message from His Excellency, the Governor of Nevada, to the Honorable, the Senate or Assembly," and hand same to the Sergeant at Arms for delivery to the Secretary of the Senate or Chief Clerk of the Assembly. The presiding officer will direct the biennial message of the Governor to be received and read, and all special messages to be received, read and entered in full upon the Journal of proceedings.

Messages from the Senate to the Assembly shall be delivered by the Secretary or Assistant Secretary, and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or Assistant Clerk, who shall be announced by the doorkeeper, enter within the bar, announce and deliver his message.

3

BILLS

Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, in writing, signed by the Secretary or Clerk of the House from which such notice is sent.

4

BILLS AND JOINT RESOLUTIONS

Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after announcement is made of their intention to do so, sign it in open session and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

5

Reserved.

6

PRINTING

Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

7

RESOLUTIONS

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these joint rules.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(d) Express facts, principles, opinion and purposes of the Senate and Assembly.

(e) Establish a joint committee of the two Houses.

(f) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to:

(a) Memorialize a former member of the Legislature or other notable or distinguished person upon his death.

(b) Congratulate or commend any person or organization for a significant and meritorious accomplishment, but any request for drafting the resolution must be approved by the *Senate* Committee on Legislative [Functions of the appropriate House] *Affairs and Operations or the Assembly Committee on Elections and Procedures* before submission to the Legislative Counsel.

8
VETOES

Special Order.

Bills which have passed a previous Legislature, and which are transmitted to the Legislature next sitting, accompanied by a message or statement of the Governor's disapproval, or veto of the same, shall become the subject of a special order; and when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the message and bill shall be read by the Clerk without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

9
ADJOURNMENT

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

3. In addition to any adjournment taken pursuant to subsection 2, after the first 19 calendar days of a regular legislative session, the Legislature shall adjourn until the 36th calendar day of the regular session [.] *in accordance with NRS 218.115.* During this adjournment, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall hold hearings in both the mornings and afternoons to consider the budgets of the major agencies of the state. The two committees shall, when practicable, meet jointly while maintaining majorities of both committees. During this

adjournment all other standing committees may hold hearings at any place in the state on legislative measures or on any general topic which is pertinent to possible legislative action.

4. During the adjournment taken pursuant to subsection 3:

(a) Notwithstanding the provisions of Senate Standing Rule No. 92 and Assembly Standing Rule No. 92, an agenda may be revised by the chairman of a committee to add or delete any item at any time on the day before the meeting. The revised agenda must be posted at the place of the meeting, and must appear in the daily history when the Legislature reconvenes.

(b) Actions taken by committees have the same effect as actions taken while the Legislature is in session.

10

EXPENDITURES FROM THE LEGISLATIVE FUND

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a Concurrent Resolution regularly adopted by the Senate and Assembly.

11

LEGISLATIVE COMMISSION

1. When members of the minority party in the Senate or in the Assembly comprise less than 34 percent of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than 21 percent.

(b) Two, if such membership is between 21 percent and 33 percent.

If the members of the minority party in the Senate or in the Assembly comprise more than 33 percent of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the chairman of the commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218.660, notwithstanding that their terms of office may have expired, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this rule.

6. The chairman shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his successor is appointed following the formation of the next Legislative Commission.

12

RECORDING COMMITTEE PROCEEDINGS ON AUDIO TAPE

1. Each standing committee of the Legislature shall record on audio tape the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each tape with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the tape was recorded;

(b) Keep the tapes in chronological order; and

(c) Deposit the tapes immediately following the final adjournment of any regular or special session of the Legislature with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Index the tapes;

(b) Make the tapes available for listening by any person during office hours under such reasonable conditions as he may deem necessary;

(c) Maintain a log as a public record containing the date, time, name and address of any person listening to any tapes and identifying the tapes listened to; and

(d) Retain the tapes for two bienniums and at the end of that period dispose of the tapes in any manner he deems reasonable.

13

REAPPORTIONMENT

The Committee on Government Affairs of the Senate and the Committee on Elections *and Procedures* of the Assembly are respectively responsible for measures which primarily affect the designation of the districts from which members are elected to the Legislature. Any request for research concerning the population of proposed districts must be submitted to the Research Division of the Legislative Counsel Bureau through one of these committees.

14

LIMITATION ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

1. Except as otherwise provided in subsection 2, any request submitted, after a regular legislative session has convened, to the Legislative Counsel for the drafting of a bill or resolution will not be honored by the Legislative Counsel unless the request is approved by:

(a) A two-thirds vote of the members present in the House where it is to be introduced; or

(b) A standing committee of that House if the request was approved by two-thirds of all of the members of the committee.

2. After a regular legislative session has convened, the Legislative Counsel shall honor not more than 5 requests from each Assemblyman and not more than 10 requests from each Senator for the drafting of a bill or resolution which has not received the approval required by subsection 1.

3. After the first 10 calendar days of a regular legislative session, bills and joint resolutions may be introduced by:

(a) Standing committees without consent.

(b) Except as otherwise provided in subsection 4, a member who had requested the drafting of the bill or resolution by the Legislative Counsel before the 11th calendar day of the legislative session.

4. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the executive branch of state government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by interim legislative studies.

(c) Bills and joint resolutions requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills and joint resolutions requested by or on behalf of a standing committee must be introduced by that committee.

5. Simple and concurrent resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

6. If two or more measures are being considered in the same house which are substantively duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

7. A legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

8. Consent to suspend this rule may be given only by the affirmative vote of a majority of the members elected to the House where it is to be introduced, which must be entered in

its Journal for that day, and the consent may apply to no more than one bill or resolution or request for drafting.

15

CONTINUATION OF LEADERSHIP OF THE SENATE AND ASSEMBLY DURING THE INTERIM BETWEEN SESSIONS

1. Except as otherwise provided in subsections 2 and 3, the tenure of the President pro Tem, Majority Leader and Minority Leader of the Senate and the Speaker, Speaker pro Tem, Majority Leader and Minority Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Senators designated to be the President pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session of the Legislature if the Senator formerly holding the respective position is no longer a Legislator.

3. The Assemblymen designated to be the Speaker, Speaker pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

16

TIME LIMITATIONS ON INTRODUCTION OF LEGISLATION REQUESTED BY STATE OR LOCAL GOVERNMENT

1. Except as otherwise provided in subsection 2, on the first legislative day, the Legislative Counsel shall randomly deliver, in equal amounts, all legislative measures drafted at the request of any state agency or department or any local government to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction. Bill drafts delivered pursuant to this subsection may not be introduced after the 15th legislative day.

2. Any legislative measure properly requested in accordance with NRS 218.241 and 218.245 by any state agency or department or any local government which has not been drafted before the first legislative day must, upon completion, be immediately and randomly delivered, in equal amounts, by the Legislative Counsel to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction. Bill drafts delivered pursuant to this subsection may be introduced only during the 15 legislative days following delivery.

17

DATE OF FIRST JOINT BUDGET HEARING

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the state must be held on or before the 92nd calendar day of the regular session.

[17] *18*

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this state to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this state;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this state;

5. The effect the required coverage will have on the cost of health care provided in this state; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

[18] *19*

[BRIEFINGS REGARDING] INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, [conduct a meeting to] inform interested members of the Senate and Assembly of those findings and recommendations.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Motion carried.

By Assemblymen Arberry, Wendell Williams, Anderson, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Dini, Ernaut, Evans, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Haller, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Price, Regan, Sader, Scherer, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin and Myrna Williams:

Assembly Concurrent Resolution No. 2—Commemorating Dr. Martin Luther King, Jr.

WHEREAS, Dr. Martin Luther King, Jr., had a dream, to eliminate racial oppression in a country whose entire foundation is based on the ideals of the Declaration of Independence; and

WHEREAS, This remarkable man became a political force who was able to influence our governmental leaders to initiate federal laws which would guarantee civil rights for all Americans, including the Civil Rights Act of 1964, which banned racial segregation in public places; and

WHEREAS, Dr. Martin Luther King, Jr. once said that the "quality, not the longevity of one's life is what is important," and today his words and ideals are as profound and relevant as they were over two decades ago; and

WHEREAS, This year, to celebrate the life and accomplishments of Dr. King, the Northern Nevada Black Cultural Awareness Society sponsored a 4-day celebration entitled "Sing the Dream" with entertainment and activities planned for the benefit of the Northern Nevada Black Cultural Awareness Society scholarship fund; and

WHEREAS, The Dr. Martin Luther King, Jr. Committee of Las Vegas, founded in 1981, organized the "1993 King Week Festivities," a week of community activities including a parade in Las Vegas which was held on Saturday, January 16; and

WHEREAS, Governor Bob Miller and the members of the Nevada State Martin Luther King, Jr. Holiday Commission have continued to work throughout the state to keep alive the memory and spirit of Dr. King; and

WHEREAS, Dr. Martin Luther King, Jr., in sharing his noble dream of equality with the American people, gave all of us hope for the future, as long as we remember his dream; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That on this day which has been set aside for our nation to commemorate this great man, the members of the Nevada Legislature honor the memory of Dr. Martin Luther King, Jr., and his dream of peace, unity, justice and righteousness; and be it further

RESOLVED, That Governor Miller and all members of the Northern Nevada Black Cultural Awareness Society, the Dr. Martin Luther King, Jr. Committee of Las Vegas and the Nevada State Martin Luther King, Jr. Holiday Commission are hereby commended for their statewide activities which have kept alive the vision of Dr. Martin Luther King, Jr.; and be it further

RESOLVED, That copies of this resolution be prepared and transmitted forthwith by the Chief Clerk of the Assembly to the presiding officers of the Dr. Martin Luther King, Jr. Committee of Las Vegas, the Northern Nevada Black Cultural Awareness Society and the Nevada State Martin Luther King, Jr. Holiday Commission.

Assemblyman Arberry moved the adoption of the resolution.

Remarks by Assemblymen Arberry, Wendell Williams and Myrna Williams.

Assemblyman Spitler requested that Assemblymen Arberry, Wendell Williams and Myrna Williams' remarks be entered in the Journal.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. I tell you this is a very moving day for me. A few years ago when I was re-elected and my colleague, Assemblyman Williams came into this house, we worked very hard to see this day come about. I can say that this day means so much to us because it's a way that we can refresh and renew our vows. That we do it and hopefully that you will do the same and those vows are, why do we meet as a body on a day that means so much to a lot of people. One reason is that the legislature meets today and it's a fresh start. We know that we have a lot of obligations to the constituency of our own and to the constituency of this State and that is what Dr. King was about. He wanted us to be committed to not hating your neighbor because of the color of their skin but loving them in a way that if you were called to meet your maker that you could say that I loved everyone equally. But I could say, Mr. Speaker, and to this body to take this day even though we look at it as a holiday, but it isn't a holiday, that we renew our commitments and say that when we look back from a year from now and to this day that we can say how long are we in not hating the person next to us in the automobile or where we live or in a mall or anywhere. To this body, I really appreciate the opportunity to speak and stand before you to make these words. Thank you, Mr. Speaker.

ASSEMBLYMAN WENDELL WILLIAMS:

Thank you, Mr. Speaker. I rise in support of A.C.R. No. 2. Mr. Speaker, to you and through you to my colleagues in the chambers, I rise in support of this resolution particularly for the day that we open here. There is no better day to address the needs of the people of this State than opening on the birthday of one of the greatest human rights leaders of all times. Today, as you mentioned Mr. Speaker in your opening remarks, with all the concerns and problems and good things and bad things that we all face, we should serve this day by commemorating not only the person but also the idea and the ideals. It signifies also that the real foundation and penance of what this country is supposed to be about is really not in the halls of government but in the homes of the people that live in our State. It is an honor to stand to support this resolution. I would encourage my colleagues to do so as well. Lets move on from this day until we adjourn addressing the needs of the people. Thank you very much.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I arise in support of the resolution. I'll be brief. For those of us who are old enough to remember Dr. King and his movement as he followed in the non-violence steps of Gandhi. My colleague touched off a memory of one of Dr. King's statements that I think is important and perhaps very important to those of us who serve in this body when Dr. King said, "We must judge each other not by the color of our skin but of the content of our character." I believe that's what we do and I hope that as we wind down this session, we will show the people of Nevada that we indeed do work together on the basis of merit. Thank you.

Resolution adopted unanimously.

Assemblyman Arberry moved that all rules be suspended and that Assembly Concurrent Resolutions Nos. 1 and 2 be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Marvel:

Assembly Bill No. 1—An Act relating to property tax; prohibiting an increase in the assessed valuation of the real or personal property of a business when an improvement is made to remove certain barriers for persons with disabilities; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Marvel, Carpenter and Neighbors:

Assembly Bill No. 2—An Act relating to lode mining claims; revising certain requirements concerning the marking of the boundaries of such claims; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen Marvel, Neighbors and Carpenter:

Assembly Bill No. 3—An Act relating to emergency medical services; exempting physicians' assistants in certain counties from the requirement of licensure as an ambulance attendant; expanding the authority of such physicians' assistants, physicians and nurses to provide care in an ambulance or air ambulance; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Price, Myrna Williams, Neighbors, Collins, Spitler, Humke, Dini, Gibbons, Kenny, Chowning, Scherer, McGaughey, Porter, Ernaut, Heller, Bennett, Schneider, Augustine, Hettrick, Petrak, Bonaventura, Carpenter, Segerblom, Arberry, Marvel, Gregory, Giunchigliani, Wendell Williams, Lambert, Freeman, Regan, Bache, Smith, Perkins, Tiffany, de Braga, Evans, Anderson, Garner, Toomin:

Assembly Bill No. 4—An Act relating to lobbying; requiring a lobbyist to provide certain additional information in his registration statement and in monthly reports concerning his lobbying activities; authorizing the director of the legislative counsel bureau to require the legislative auditor to perform an audit or investigation to verify compliance with these requirements; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 1.

Assemblyman Porter moved that all rules be suspended, reading so far had considered first reading, rules further suspended, bill declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 1.

Resolution read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Assembly Joint Resolution No. 1:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 1.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Senate Bill No. 1:

YEAS—41.

NAYS—None.

Absent—Haller.

Senate Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Joint Resolution No. 1 and Senate Bill No. 1 be immediately transmitted to the Senate.

Motion carried unanimously.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:56 p.m.

ASSEMBLY IN SESSION

At 3:25 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Resolution No. 1—Adopting the Standing Rules of the Assembly for the 67th session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the Assembly Standing Rules as amended by the 66th session are adopted, with the following changes, as the Standing Rules of the Assembly for the 67th session of the Legislature:

I. OFFICERS AND EMPLOYEES

Duties of Officers

1

Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under his supervision.

2. Possessing the powers and performing the duties described in this rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) Preserve order and decorum and have general direction of the chamber of the Assembly and the approaches thereto, and in the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(c) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in his place, to assign the reason for his decision.

(d) Have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond one legislative day.

(e) When the Assembly resolves itself into Committee of the Whole, name a chairman to preside thereover and call him to the chair.

(f) Have the power to accredit the persons who act as representatives of the press, radio and television, and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpenas issued by the Assembly or any committee thereof.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or resolution, but he shall not be required to vote in ordinary legislative proceedings except where his vote would be decisive. In all aye and no votes, the Speaker's name shall be called last.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

2

Reserved.

3

Reserved.

4

Reserved.

5

Reserved.

6

Reserved.

II. SESSIONS AND MEETINGS

10

Time of Meeting.

The Assembly shall meet each day at 11 a.m., unless the Assembly adjourns to some other hour.

11

Open Meetings.

All meetings of the Assembly and its standing committees shall be open to the public.

12

Reserved.

III. DECORUM AND DEBATE

20

Points of Order.

If any member, in speaking or otherwise, [transgress] *transgresses* the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the Speaker, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the Speaker shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the Speaker.

21

Reserved.

22

Reserved.

23

Committee on Ethics; Legislative Ethics.

1. The Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Two qualified electors of the state chosen by the members of the committee who are appointed pursuant to paragraphs (a) and (b), neither of whom is a present or former member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint two members of the Assembly, one from the majority political party and one from the minority political party to serve as alternate members of the committee. If a member is disqualified, the alternate appointed from the same political party shall serve as a member of the committee during the consideration of a specific question.

3. A member is disqualified if he is the requester of advice concerning a question of ethics or conflict of interest, or if the advice is requested by another member of the Assembly and a reasonable person in his situation could not exercise independent judgment on the matter in question.

4. The committee shall hear complaints on alleged breaches of ethics and conflicts of interest, brought by Legislators and others, and it may advise Legislators on questions of breaches of ethics and conflicts of interest. All proceedings by the committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the opinion of the committee at any time after his hearing; or

(c) Discloses the content of an advisory opinion issued to him by the committee.

5. A complaint which alleges a breach of ethics or a conflict of interest must be in writing and signed by the person making the allegation. The complaint must be filed with the chairman and he shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

6. The criterion to be applied by the committee in determining whether a Legislator has a conflict of interest is whether the independence of judgment of a reasonable person in his position upon the matter in question would be materially affected by:

(a) His acceptance of a gift or loan; or

(b) His private economic interest.

7. A Legislator who determines that he has a conflict of interest may vote upon, advocate or oppose any measure as to which a potential conflict exists if he makes a general disclosure of the conflict. In determining whether to vote upon, advocate or oppose the measure, the Legislator should consider whether:

(a) The conflict impedes his independence of judgment;

(b) His participation will produce a negative effect on the public's confidence in the integrity of the Legislature;

(c) His participation is likely to have any significant effect on the disposition of the measure; and

(d) His interest is greater than the interests of an entire class of persons similarly situated.

IV. QUORUM, VOTING, ELECTIONS

30

Manner of Voting.

1. The Speaker shall declare all votes but the ayes and noes shall be taken when called for by three members present, and the names of those calling for the ayes and noes shall be entered in the Journal by the Chief Clerk.

2. The Speaker shall call for ayes and noes by a division or by a roll call, either electronic or oral.

3. When taking the ayes and noes on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the ayes and noes by oral roll call, the Chief Clerk shall take the names of members alphabetically except that the Speaker shall be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The ayes and noes shall not be taken with the electronic roll call system until all members present are at their desks. The Speaker and the Speaker pro Tempore may vote at their desks or at the rostrum.

7. Only a member, certified by the Committee on Credentials of the Assembly, may cast a vote in the Assembly. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

31

Reserved.

32

Announcement of the Vote.

1. A member may change his vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

33

Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

V. LEGISLATIVE BODIES

40

Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, [fifteen] *thirteen* members.
2. Judiciary, fourteen members.
3. Taxation, eleven members.
4. Education, eleven members.
5. [Legislative Functions and Elections, thirteen] *Elections and Procedures, eleven* members.
6. Natural Resources, Agriculture and Mining, eleven members.
7. Labor and Management, eleven members.
8. Transportation, nine members.
9. Commerce, thirteen members.
10. Health and [Welfare,] *Human Services,* eleven members.
11. Government Affairs, thirteen members.

41

Appointment of Committees.

Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chairman and vice chairman of each committee.

To facilitate the full participation of the members during the adjournment required by NRS 218.115, the Speaker may temporarily appoint a member to a standing committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

42

Committee Action.

The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this rule. Motions may be moved, seconded and passed by voice vote by a simple majority of those present, except that definite action on a bill or resolution will require a majority of the entire committee. A two-thirds majority of all the committee is required to reconsider action on a bill or resolution. Committee introduction requires concurrence of two-thirds of the committee and does not imply commitment to support final passage. The Chairman shall vote on all final action regarding bills or resolutions. No member of the committee may vote by proxy under any circumstances.

43

Subcommittees.

Subcommittees made up of committee members may be appointed by the chairman to consider and report back on specific subjects or bills.

44

Committee on [Legislative Functions and Elections.] Elections and Procedures.

The Committee on [Legislative Functions and] Elections *and Procedures* has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attaches and employees of the Assembly not otherwise provided for by law. It may suspend or remove any such attach or employee for incompetency or dereliction of duty. It shall function as the Committee on Rules and as the Committee on Credentials of the Assembly.

45

Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Standing Committee on [Legislative Functions and Elections.] *Elections and Procedures.* The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its recommendation on which candidate should be declared elected. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment. If the recommendation is accepted, the Speaker shall declare the recommended candidate elected. If the recommendation is rejected, the Assembly shall consider immediately whether to declare another candidate elected. The Speaker shall not adjourn the Assembly until it has declared a candidate to be elected.

4. The Speaker shall inform the Governor of the identity of the candidate declared to be elected by the Assembly.

46

Committee Action on Reports.

Committee reports shall be adopted at a committee session actually assembled and meeting as a committee with a quorum present. Every committee vote on a matter pertaining to a bill or resolution shall be recorded. The vote may be taken by roll call at the discretion of the chairman.

47

Committee Records.

The chairman of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there shall be entered:

1. The time and place of each meeting;
2. The attendance and absence of members;
3. The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and
4. The subjects or measures considered and action taken.

48

Disposition of Committee Records.

All minutes, records and documents in the possession of committees and their chairmen shall be filed in the offices of the Legislative Counsel Bureau upon adjournment sine die.

49

Committee Hearings.

Public hearings shall be held on important bills and other matters of high public interest. Presence of a quorum of the committee is desirable but not required. Public hearings are opened by the chairman who announces the subject under consideration and provides for those wishing to address the committee to be heard. These persons shall rise in an order determined by the chairman, address the chair, furnish their names, addresses and firms or other organizations represented. Committee members may address the chairman for permission to question the witness. When all persons present have been heard, the chairman may declare the public hearing closed on the matter before proceeding to other matters.

50

Reserved.

51

Reserved.

52

Concurrent Referrals.

When a bill or resolution is referred to two committees the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation immediately to the second committee.

VI. RULES GOVERNING MOTIONS

60

Entertaining.

No motion shall be debated until the same be distinctly announced by the Speaker; and it shall be reduced to writing, if desired by the Speaker or any member, and be read by the Chief Clerk before the same shall be debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

61

Reserved.

62

Reserved.

Particular Motions

63

Reserved.

64

Reserved.

65

Indefinite Postponement.

When a question is postponed indefinitely, the same shall not be considered again during the session and the question shall not be subject to a motion for reconsideration.

66

To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution shall not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

67

Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

68

To Reconsider—Precedence Of.

A motion to reconsider shall have precedence over every other motion, except a motion to adjourn, or to fix the time to which to adjourn; and when the Assembly adjourns, while a motion to reconsider is pending, or before passing the order of Motions and Resolutions, the right to move a reconsideration shall continue to the next day of sitting. No notice of reconsideration of any final vote shall be in order on the day preceding the last day of the session.

VII. DEBATE

80

Speaking on Question.

No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

81

Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

VIII. CONDUCT OF BUSINESS

A. Rules and Procedure

90

Mason's Manual.

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Assembly in all cases in which they are applicable and in which they are not inconsistent with the Standing Rules and orders of the Assembly, and the Joint Rules of the Senate and Assembly.

91

Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of two-thirds of the members elected, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members present.

92

Notices of Bills, Topics and Public Hearings.

All committees shall provide notice of public hearings on bills, resolutions or topics of high public importance at least 5 calendar days before such hearings. Notice shall also be provided for all other committee meetings at least 24 hours in advance of such meetings.

Notices in all cases shall include the date, time, place and agenda to be covered and shall be posted conspicuously in the legislative building, appear in the daily history and be made available to the press.

The noticing requirements of this rule may be suspended for emergency situations but only after approval by a two-thirds vote of a committee.

93

Reserved.

94

Privilege of the Floor and Lobbying.

No person, except Senators, former Assemblymen and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this rule.

95

Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon an Assemblyman's desk shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This rule does not apply to books containing the legislative bills and resolutions, the legislative daily histories, the legislative daily journals or Legislative Counsel Bureau material.

96

Peddling and Soliciting.

Peddling, begging and soliciting are strictly forbidden in the Assembly Chamber, and in the lobby, gallery and halls adjacent thereto, and no part of said chamber or halls shall be used for, or occupied by signs or other devices for any kind of advertising.

97

Petitions and Memorials.

Petitions, memorials and other papers addressed to the Assembly, shall be presented by the Speaker, or by a member in his place. A brief statement of the contents thereof shall be made verbally by the introducer. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

98

Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

99

Remarks.

It shall be in order for members to make remarks and to have such remarks entered in the Journal.

100

Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly shall be as follows:

1. The Constitution of the State of Nevada.
2. The Statutes of the State of Nevada.
3. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.
4. Mason's Manual of Legislative Procedure.

101

Reserved.

102

Reserved.

103

Reserved.

B. Bills

104

Reserved.

105

Substitute Bills.

A substitute bill shall be deemed and held to be an amendment, and treated in all respects as such. However, a substitute bill may be amended after its adoption, in the same manner as if it were an original bill.

106

Skeleton Bills.

The introduction of skeleton bills is authorized after the beginning of a session when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed. The committee, if it treats the skeleton bill favorably, shall then request the draft of a completed bill in such detail as would afford the committee the opportunity of considering the legislative ideas proposed in context with all their necessary ramifications.

107

Reserved.

108

Reserved.

109

Reading of Bills.

The Speaker shall announce at each reading of a bill whether it be the first, second or third reading. The first reading of a bill shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

110

Second Reading and Amendment of Bills.

All bills shall be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be engrossed and placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered, copied and made available to all members shall be moved and voted upon by number unless any member moves that it be read in full. Assembly bills so amended shall be reprinted, engrossed, and placed on the General File, and Senate bills so amended shall be reprinted, reengrossed, and placed on the General File.

Any member may move to amend a bill during its second or third reading, and such motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading shall be treated the same as bills with committee amendments. Any bill so amended upon the General File shall be reprinted and reengrossed.

The reprinting of amended bills may be dispensed with only in accordance with the provisions of law.

111

Consent Calendar.

1. On or before the 80th calendar day of a regular session, a standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the consent calendar. The question of recommending a bill for the consent

calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended. If the bill is an Assembly bill, it must be engrossed upon receipt by the Chief Clerk of the committee's recommendation.

2. The Chief Clerk shall maintain a list of bills recommended for the consent calendar. The list must be printed in the daily history and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. Unless postponed by motion, the consent calendar must be considered on Monday and Thursday. A bill reported on Friday to Monday, inclusive, is eligible to be considered on the following Thursday; a bill reported on Tuesday to Thursday, inclusive, is eligible to be considered on the following Monday.

4. At any time before the presiding officer calls for a vote on the passage of the consent calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he objects to the inclusion of a particular bill on the consent calendar. If a member so objects, the Chief Clerk shall remove the bill from the consent calendar and transfer it to the second reading file. A bill removed from the consent calendar may not be restored to that calendar.

5. During floor consideration of the consent calendar, members may ask questions and offer explanations relating to the respective bills.

6. When the consent calendar is brought to a vote, the bills remaining on the consent calendar must be read by number and summary and the vote must be taken on their final passage as a group.

112

Reserved.

113

General File.

All bills reported to the Assembly, by either standing or special committees, after receiving their second readings shall be placed upon a General File, to be kept by the Chief Clerk. No bill shall be considered by the Assembly until the regular order of business shall have been gone through. Then bills shall be taken from the General File and acted upon in the order in which they were reported, unless otherwise specially ordered by the Assembly. But engrossed bills shall be placed at the head of the file, in the order in which they are received. The Chief Clerk shall post, in a conspicuous place in the chamber, a daily statement of the bills on the General File, setting forth the order in which they are filed, and specifying the alterations arising from the disposal of business each day. He shall likewise post notices of special orders as made.

114

Reserved.

115

Reconsideration of Vote on Bill.

On the first legislative day that the Assembly is in session succeeding that on which a final vote on any bill or resolution has been taken, a vote may be reconsidered on the motion of any member. Notice of intention to move such reconsideration shall be given on the day on which such final vote was taken by a member voting with the prevailing party. It shall not be in order for any member to move a reconsideration on the day on which such final vote was taken, except by unanimous consent. But there shall be no reconsideration of a vote on a motion to indefinitely postpone. Motions to reconsider a vote upon amendments to any pending question may be made at once.

116

Reserved.

117

Reserved.

C. Resolutions

118

Treated as BillsJoint Resolutions.

The procedure of enacting joint resolutions shall be identical to that of enacting bills. However, joint resolutions proposing amendments to the Constitution shall be entered in the Journal in their entirety.

119

Reserved.

120

Order of Business.

The Order of Business must be as follows:

1. Roll Call.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

121

Reserved.

122

Privileged Questions.

Privileged questions shall have precedence of all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.
2. Motions to adjourn.
3. Questions relating to the rights and privileges of the Assembly or any of its members.
4. A call of the House.
5. Motions for special orders.

123

Privilege of Closing Debate.

The author of a bill, resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

124

Reserved.

125

Reserved.

126

Vetoed Bills.

Bills which have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same, shall be taken up and considered immediately upon the coming in of the message transmitting the same, or shall become the subject of a special order, and when the message is received, or (if made a special order) when the special order is called, the said message or statement shall be read together with the bill or bills so disapproved or vetoed; and the message and bill shall be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall first have been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The

message or statement containing the objections of the Governor to the bill shall be entered upon the Journal of the Assembly. The consideration of a vetoed bill, and the objections of the Governor thereto, shall be a privileged question, and shall take precedence over all others.

127

Reserved.

128

Reserved.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

140

Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees shall be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

141

Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

By the Committee on Elections and Procedures:

Assembly Resolution No. 2—Providing allowances to the leadership and other members of the Assembly for periodicals, stamps, stationery and communications.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

By the Committee on Election and Procedures:

Assembly Resolution No. 3—Providing for the appointment of attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following persons are elected as attachés of the Assembly for the 67th session of the Legislature of the State of Nevada: Carol L. Moore, Joan E. Anderson, Lucinda Benjamin, Linda B. Alden, Jane A. Gill, Charles W. Van Geel, Jr., Martin Lachter, Teena J. Erickson, Jason P. Hataway, Scott M. Ruedy, Jennifer R. Smith, Pat V. Hatch, Betty Day, Yhvona F. Martin, Laverna E. Marwin, Carolyn J. Maynick, Barbara J. Pryor, Cindy E. Southerland, Iris J. Bellinger, Courtnay A. Berg, Linda C. Blevins, Janet L. Busse, Constance J. Campbell, Jessie A. Caple, Linda D. Chandler-Law, Marilyn Cole, Lula B. Collins, Reba A. Coombs, Carol L. Dickerson, Barbara A. Doke, Linda E. Featheringill, Maureen D. Francisco, Dorothy G. Fuetz, C. Dale Gray, Judy A. Gyarmathy, Donna K. Hancock, Judy A. Hanna, Carolyn J. Harry, Marian I. Howard, Sara J. Kaufman, Sandy T. Machado, Sylvia M. Mays, Pat H. Menath, Bobbie Mikesell, Chandra F. Penderland, Kerin E. Putnam, Diane L. Randall, Christine W. Shaw, Paulette Simpson, Marlene L. Staub, Barbara D. Tonge, Marcy Troescher, Rebecca A. Whitmore, Jeanette Whorton, Betty M. Wills, Sally W. Dunfield, Mary L. Carel, Julene M. Smith, Morse R. Burley, Edward V. Cordisco, Jr., Melvin T. Cowperthwaite, Linda L. Cummings, Mark T. Hess, Martha J. Laird, John C. Martini, Ronald D. Marwin, Birgitta M. Metz, Reid Meyer, Shanna H. Pozzi, Mary D. Smith and Vera K. Williams.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

Mr. Speaker announced the following standing committees, the first-named member of each committee being the chairman, the second-named being the vice-chairman:

COMMERCE—
Porter, Arberry, Bennett, Bonaventura, Garner, Giunchigliani, Kenny, Perkins, Myrna Williams, Augustine, Heller, Humke, Scherer.

EDUCATION—
Wendell Williams, Haller, Chowning, Collins, de Braga, Neighbors, Schneider, Segerblom, Gregory, McGaughey, Tiffany.

ELECTIONS AND PROCEDURES—
Myrna Williams, Price, Dini, Evans, Garner, Petrak, Porter, Sader, Humke, Lambert, Scherer.

GOVERNMENT AFFAIRS—
Garner, Bennett, Bache, de Braga, Freeman, Kenny, Neighbors, Segerblom, Wendell Williams, Augustine, Hettrick, Lambert, McGaughey.

HEALTH AND HUMAN SERVICES—
Evans, Freeman, de Braga, Petrak, Segerblom, Smith, Toomin, Wendell Williams, Augustine, Gibbons, Heller.

JUDICIARY—
Sader, Porter, Anderson, Bonaventura, Collins, Haller, Petrak, Regan, Smith, Toomin, Carpenter, Gibbons, Gregory, Scherer.

LABOR AND MANAGEMENT—
Giunchigliani, Anderson, Bache, Bonaventura, Collins, Kenny, Regan, Schneider, Carpenter, Ernaut, Hettrick.

NATURAL RESOURCES, AGRICULTURE AND MINING—
Freeman, Regan, Bache, de Braga, Neighbors, Sader, Schneider, Smith, Carpenter, Ernaut, Gibbons.

TAXATION—
Price, Myrna Williams, Bennett, Haller, Neighbors, Regan, Schneider, Spitler, Ernaut, Lambert, Marvel.

TRANSPORTATION—
Spitler, Garner, Anderson, Chowning, Collins, Toomin, Gregory, Hettrick, McGaughey.

WAYS AND MEANS—
Arberry, Spitler, Chowning, Dini, Evans, Giunchigliani, Perkins, Price, Myrna Williams, Heller, Humke, Marvel, Tiffany.

MAJORITY FLOOR LEADER—
Gene T. Porter.

ASSISTANT MAJORITY FLOOR LEADER—
Rick C. Bennett.

MAJORITY WHIP—
Robert M. Sader.

MINORITY FLOOR LEADER—
John W. Marvel.

ASSISTANT MINORITY FLOOR LEADER—
William D. Gregory.

MINORITY WHIP—
James A. Gibbons.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:34 p.m.

ASSEMBLY IN SESSION

At 3:47 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 5—An Act relating to the execution of judgments; requiring a report of a presentence investigation to include information relating to the defendant's obligation to pay for the support of a child; prohibiting a district judge from granting probation to a person who is in arrears in the payment of an obligation for the support of a child; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 6—An Act relating to traffic laws; establishing the right of way of vehicles at an intersection where the traffic-control signal is not functioning; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 7—An Act relating to public guardians; eliminating the requirement that a person be 60 years of age or older to be eligible to have a public guardian appointed; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Jeanne Dini, Mss. Shari Davis, Deborah Dini, Jennifer Dini, Kristina Dini, Shelly Loomis, Vivian Pickett, Edrie LaVore, Messrs. George Dini, David Glass, Gibb Hills, Steve Snyder, Martin Bibb, Keith Loomis, Norton Pickett and the Boy Scout Honor Guard, Boulder Dam Area Council: Messrs. Seth Long, Jason Katrosite, Eric Coskey, Calvin Lubinski, Ryan Gourley, Larry Burchame.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Clyda Anderson, Messrs Edward P. Anderson, Sr., Eddie Anderson, Rick Gardner, R. J. Bardner, Mss. Natha Anderson, Lani Anderson, Kelly Gardner, Becca Gardner, Virginia Doran and Sean Doran.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Carol Arberry.

On request of Assemblyman Augustine, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Charles F. Augustine and Mrs. Dallas K. Augustine.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Sallie Bache and Ms. Christine Bache.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Michael Malay, Steven Malay, Mss. Melissa Fichtner, Kitty Schmidt, Veronica Schmidt and Rachel Bennett.

On request of Assemblyman Bonaventura, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Susan Bonaventura, Judge Joe Bonaventure, Messrs. Walter Rubyor and David Bonaventura.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Elmer Chowning, Greg Fisher, David V. Stout, Jr., Don Benet and Mss. Christianne Chowning, Katherine Chowning, Darlene Stout, Lori Stout and Judie Benet.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Kathleen Collins, Jean Jacobson and Mr. C. W. Tom Collins, III.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Zona Murdock, Mitzi Corkill, Jaime Acorda, Messrs. Bernell Murdock, Lyle de Braga, Bruce Corkill and Dennis Acorda.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Nancy Ernaut and Ms. Theresa Lopez.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Laurena Evans.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Mitzi Freeman and Mr. George Cammarota.

On request of Assemblyman Garner, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Carolyn Garner.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Dawn Gibbons, Shirley Dale and Mr. Win Dale.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Gary Gray, Larry

Giunchigliani, Louis Van Huesden, Mss. Myrna Giunchigliani, Suzy Giunchigliani, Donna Van Huesden, Gabrielle Van Huesden, Jana Wright, Brithany Giunchigliani, Jean Van Huesden and Michelle Wooldridge.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Teresa Gregory.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Lynne Heller, Janet Heller, Tamie Jesse, Betty Brombach, Marianne Brombach, Ms. Hilary Heller, Messrs. Harrison Heller, Andrew Heller, Jack Heller and Dick Brombach.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Arla Hettrick, Mss. Stacey Hettrick, Tiffany Hettrick, Holly Fife, Anna Sethman, Messrs. Andy Hettrick, Barry Sethman, Jared Sethman and Jessie Fife.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Virginia Humke.

On request of Assemblyman Kenny, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Charles Collin, Mrs. Diane Collin and Ms. Frosa Tomcheff.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Greg Lambert.

On request of Assemblyman McGaughey, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. James McGaughey, III.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Willie Marvel, Sharon Andreson and Ms. Shari Andreson.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Terri Perkins, Mss. Nicole Sayles, Stephanie Weideman, Messrs. Brian Weideman, Ashley Perkins and Rikki Perkins.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Mark Manenoo.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Tom Tsinnie and Jerry Porter.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Nancy Price.

On request of Assemblyman Regan, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Rosemary Regan.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Candice Sader, Ms. Mae Lee Sader and Mr. Clayton Sader.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Jack Armstrong, David Lacerda, Mesdames Shirley Armstrong and Wendy Armstrong.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Candy Schneider and Mr. Andrew Schneider.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Robin Liggett, Sharon Segerblom, Ms. Eva Segerblom, Messrs. Richard Segerblom and Carl Segerblom.

On request of Assemblyman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Jeffery Englehart, Jess Foster and Ms. Taylor Sandven.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Becky Boatwright.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Ross Tonkens and Ms. Courtney Tiffany.

On request of Assemblyman Toomin, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Mary Toomin, Mr. Charles Sitter Toomin and Ms. Jennifer Sitter Tommin.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Mae Ella Williams, Zelda Puryear and members of the Dr. Martin Luther King, Jr., Committee of Las Vegas.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, January 19, 1993, at 10 a.m.

Motion carried.

Assembly adjourned at 4:04 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SECOND DAY

CARSON CITY (Tuesday), January 19, 1993

Assembly called to order at 10:06 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Haller, who was excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

God, I am always moved when in this place and with these people. This is an awesome environment, and theirs is an awesome responsibility. I find it very appropriate that we begin each session by turning to You. May this act of prayer be more than just ceremony. We sincerely ask You to bless us. In Thy Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:09 a.m.

ASSEMBLY IN SESSION

At 10:55 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, January 18, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 1.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 1 and 2.

Mary Jo Mongelli
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 8—An Act relating to state employees; requiring, upon request, the granting of a leave of absence without pay to care for newborn or newly adopted children; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 9—An Act relating to local governmental purchasing; revising the provisions governing the purchase of commonly used items and perishable commodities; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 10—An Act relating to the state contractors' board; abolishing the board; transferring all of the powers and duties of the board to the labor commissioner; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 11—An Act relating to the financing of school systems; authorizing certain additional boards of trustees to request a tax on residential construction; increasing the maximum amount of the tax that may be imposed by certain boards of county commissioners to construct, remodel and make additions to school buildings; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 12—An Act relating to state purchasing; authorizing the chief of the purchasing division of the department of general services to enter into contracts for services; increasing the permissible duration of certain contracts; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 13—An Act relating to motor vehicles; exempts automobiles used by investigators of the securities division of the office of the secretary of state from the requirements of being labeled as property of the state and being furnished with distinguishing license plates; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 14—An Act relating to purchasing by local governments; providing that proprietary information regarding trade secrets is confidential; providing when such information may be disclosed; prohibiting certain acts which might influence a purchasing officer; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 15—An Act relating to public employees; requiring negotiations or informal discussions between a local government and an employee organization or individual employees to be open or public unless otherwise agreed by both parties; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 16—An Act relating to public employees' retirement; allowing early retirement for firemen and police officers whose promotions or transfers are not within the chain of command; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 17—An Act relating to programs for public employees; changing the composition of the committee on benefits; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 18—An Act relating to catastrophic leave; creating the committee on catastrophic leave; providing its powers and duties; requiring the department of personnel to establish an account for catastrophic leave for use by state employees; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 19—An Act relating to public employees; requiring an employer to pay for certain licenses required as a condition of state employment; establishing a formula for determining the amount payable by the state toward the cost of insurance for certain retired employees; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 20—An Act relating to public officers and employees; increasing the amounts paid to certain public officers and employees as allowances for transportation expenses, meals and lodging; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 21—An Act relating to the state personnel system; increasing the amount of compensation paid to state employees to encourage continuity of service; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 22—An Act relating to state personnel; allowing employees to choose the form of compensation to be received for overtime; allowing certain employees in the classified service to choose work schedules based on their seniority; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 23—An Act relating to employees of local governments; revising the definition of collective bargaining for the purposes of the provisions governing relations between local governments and their employees; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 24—An Act relating to relations between local governments and employees; requiring local government employers and the representatives of police officers and firemen to negotiate in good faith and to

exhaust prospects of reaching an agreement before submitting a dispute to a factfinder; limiting the time within which such parties may submit a dispute to a factfinder; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 25—An Act relating to collective bargaining by local governments; establishing the criteria to be used by a factfinder in making recommendations and awards in disputes between certain employees and their local government employers; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 26—An Act relating to notaries public; revising the qualifications; increasing the fees which a notary public may charge; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 27—An Act relating to the City of Reno; authorizing an increase in the salary of a municipal judge during his term of office; requiring uniform salaries for all municipal judges; authorizing certain attorneys employed by the city attorney to engage in the private practice of law; authorizing the city council to adopt ordinances relating to eligibility lists for the appointment of persons to the civil service; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 28—An Act relating to local governments; authorizing under certain circumstances counties and cities to collect fees for expenses incurred in responding to emergencies; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 29—An Act relating to county recorders; providing an exemption from the fees charged by a county recorder for the filing by this state of a notice of pendency of an action in eminent domain; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 30—An Act relating to county officers; increasing the annual salaries of elected officers in Lander County; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 31—An Act relating to county recorders; revising the requirements for filing documents; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 32—An Act relating to public improvements; allowing counties to issue general obligation bonds for sewerage projects; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 33—An Act relating to counties; increasing the number of members on certain county fair and recreation boards; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 34—An Act relating to unincorporated towns; revising the provisions concerning the time in which a notice of intention to become a candidate for a town board must be filed if a proposal for a town board form of government is submitted to electors for their approval; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 35—An Act relating to metropolitan police departments; imposing certain restrictions on the repossession of real property that is acquired for the use and benefit of a metropolitan police department and held in trust by a participating political subdivision; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 36—An Act relating to Las Vegas High School; eliminating certain restrictions on the sale, rental or lease of specified property at the site of the school; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 37—An Act relating to county commissioners; allowing the adjustment of the boundaries for county commissioner election districts to equalize the population within each such district; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 38—An Act relating to county recorders; increasing the fees charged for a certified copy or a certified abstract of a certificate of marriage; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 39—An Act relating to county employees; exempting certain part-time employees from the merit personnel system for county employees; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 40—An Act relating to counties; abolishing certain duties of the county treasurer; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 41—An Act relating to constables; clarifying that claims for reimbursement of a constable for executing a writ may be made to the court which issued the writ; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 42—An Act relating to collective bargaining; revising certain provisions relating to collective bargaining between school districts and employee organizations representing teachers and educational support personnel; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 43—An Act relating to relations between local governments and their employees; excluding certain additional sources of revenue from the consideration of the financial ability of a local government by a factfinder in the resolution of a dispute between a local government and its employees; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 44—An Act relating to marriage; authorizing the board of county commissioners in certain counties to appoint the county clerk to act as the commissioner of civil marriages; authorizing those boards to determine the number of deputy commissioners that may be appointed and the hours of operation of the office; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 45—An Act relating to adoption; revising the provision concerning the extent of knowledge which the natural parents may be permitted to obtain concerning the prospective adoptive parents of a child; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 46—An Act relating to hearsay; providing that a witness is "unavailable" if he testifies to a lack of memory concerning the subject matter of his statement; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 47—An Act relating to traffic laws; providing that the offense of driving while under the influence of intoxicating liquor or a controlled substance is punishable as a felony if it is committed by a person within 7 years after he is released from prison after serving any part of a sentence imposed for certain offenses; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 48—An Act relating to purchase money security interests; extending the period for the perfection of a purchase money security interest; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 49—An Act relating to criminal procedure; requiring judgments of conviction and imprisonment to include the term of imprisonment and the amount and terms of any fine, restitution or administrative assessment; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 50—An Act relating to fees in civil actions; increasing the fees charged in civil actions in certain counties to support legal services for indigent and elderly persons; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 51—An Act relating to gaming; clarifying the nature and extent of the fee imposed on compensation received in payment of credit instruments held by a licensee who concludes a gaming operation; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 52—An Act relating to civil liability; imposing civil liability against a person convicted of larceny or certain other crimes; imposing civil liability for the damage of property on a merchant's premises; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 53—An Act relating to sexual offenses; increasing penalties and the periods within which civil and criminal actions may be brought for certain sexual offenses; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 54—An Act relating to adoptions; requiring written consent for the release of certain information contained in the state register for adoptions; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 55—An Act relating to administrative assessments for misdemeanors; requiring interest accrued on money collected for such assessments to be distributed in the same manner as are the assessments; clarifying the permitted uses of such assessments; providing for the reversion of a portion of the assessments collected to the general fund of a city or county under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 56—An Act relating to traffic laws; increasing the penalty, under certain circumstances, for failing or refusing to stop a motor vehicle when signaled by a peace officer; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 57—An Act relating to traffic laws; clarifying the procedure for obtaining involuntary samples of blood from certain persons who are suspected of driving under the influence of a controlled substance or alcohol; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 58—An Act relating to murder; expanding the aggravated circumstances under which the death penalty may be imposed to include the first degree murder of a child under 14 years of age; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 59—An Act relating to crimes against the person; revising the definition of "robbery" to include a theft in which force or fear is used as a means of escape or to resist apprehension; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 60—An Act relating to obligations secured by real property; providing for the consequences of environmental impairment and the enforcement of environmental provisions; revising the limitations on the amount of which may be awarded as a deficiency judgment; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 61—An Act relating to witnesses; prohibiting a court in any prosecution for sexual assault or for sexual abuse of a child from ordering a psychiatric or psychological examination of a witness or victim to assess his credibility as a witness; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 62—An Act relating to convicted persons; requiring a convicted person who is applying or petitioning to have his civil rights

restored or his criminal record sealed to submit certain information with his application or petition; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 63—An Act relating to sentencing; requiring a separate penalty hearing in all criminal cases which result in the conviction of the defendant for murder of the first degree; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 64—An Act relating to criminal procedure; providing for the confidentiality of an informer's identity during the preliminary examination; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 65—An Act relating to proceedings to commitment; allowing testimony given before a magistrate at a hearing or examination to be admitted at a trial if the witness persistently refuses to testify despite an order of the judge to do so; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 66—An Act relating to alternative methods of resolving disputes; extending the program in certain counties that requires the mediation of cases involving custody or visitation of a child; extending the program that requires the establishment of neighborhood justice centers in larger counties; revising the manner in which those programs are supported; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 67—An Act relating to citations for misdemeanors; authorizing a city or county to designate parking enforcement officers to prepare, sign and serve written citations for violations of parking ordinances; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 68—An Act relating to crimes against persons; creating the crime of reckless endangerment; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 69—An Act relating to procedure in criminal cases; requiring courts to give precedence under certain circumstances to the prosecution of sexual assault or of a case in which a victim or a witness is a minor; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 70—An Act relating to the administration of estates; authorizing a public administrator to combine money from estates for investment; requiring the equitable distribution of interest or income resulting from the combined investment of estates; requiring the deposit of any remaining interest or income in the county general fund; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 71—An Act relating to evidence; revising the provisions governing the return of property retained as evidence; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 72—An Act making an appropriation to the Nevada Appellate and Postconviction Project, Inc.; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 73—An Act relating to offenses against persons whose health or faculties are impaired; prohibiting their abuse, mistreatment or neglect; requiring reports of violations; providing penalties; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 74—An Act relating to punishment for crimes; imposing an additional penalty for a criminal violation of certain statutory provisions governing securities and commodities if the victim is 65 years of age or older; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 75—An Act relating to crimes; prohibiting certain persons from carrying or possessing a dangerous knife on the property or in the vehicle of a school; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 76—An Act relating to criminal procedure; creating an administrative assessment to be used to help defray the costs of extradition; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 77—An Act relating to crimes; narrowing the definition of vagrancy; defining the offense of loitering; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 78—An Act relating to criminal procedure; requiring a defendant to identify the potential defense witnesses upon a motion by the prosecutor; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 79—An Act relating to criminal procedure; further restricting the use of videotaped depositions at trial; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 80—An Act relating to eminent domain; revising the definition of value as it relates to condemnation; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 81—An Act relating to criminal procedure; authorizing a prosecuting attorney when filing an information to include only those offenses to which a defendant agrees to plead guilty pursuant to a plea bargain; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 82—An Act relating to wire communications; authorizing district courts to issue an order for the use of a pen register or a trap and trace device upon the affidavit of an investigator employed by the attorney general or a district attorney; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 83—An Act relating to punishment for crimes; defining the term "deadly weapon" for the purpose of imposing an additional penalty for using such a weapon in the commission of a crime; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 84—An Act relating to juvenile courts; removing certain crimes from the jurisdiction of juvenile court; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 85—An Act relating to witnesses; allowing a declaration made under the penalty of perjury by a person who withdraws a sample of blood from another for analysis to be admitted in a criminal or administrative proceeding to prove certain facts; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 86—An Act relating to intestate succession; prohibiting a person from succeeding to the property of a decedent if the court distributing the estate determines that he murdered the decedent; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 87—An Act relating to the Uniform Commercial Code; increasing the fees for filing or providing certain documents; requiring the filing officer to search certain documents for the name of a particular secured party; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 88—An Act relating to traffic laws; exempting emergency vehicles and official vehicles of regulatory agencies from local ordinances governing the parking and standing of vehicles; repealing the requirement that such vehicles display warning lamps while parking or standing in violation of state laws; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 89—An Act relating to crimes against public safety; revising the criminal provisions relating to owning or keeping a vicious dog; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Myrna Williams, Dini, Spitler, Evans, Marvel, Humke, Perkins, Chowning, Giunchigliani, Heller, Tiffany, Price, Hettrick, Ernaut,

Garner, Freeman, Anderson, Arberry, Bonaventura, Regan, de Braga, Petrak, Smith, Collins, Wendell Williams, Neighbors, Segerblom, Porter, Bennett and Sader:

Assembly Bill No. 90—An Act relating to public employment; prohibiting a business or industry that is regulated by an agency, division or department of the executive branch of government from employing certain former public officers and employees for a certain period after the public officer or employee leaves his position; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Myrna Williams, Dini, Spitler, Evans, Marvel, Humke, Chowning, Giunchigliani, Heller, Tiffany, Price, Hettrick, Ernaut, Garner, Anderson, Arberry, Bonaventura, Regan, de Braga, Perkins, Augustine, Petrak, Smith, Collins, Wendell Williams, Neighbors, Segerblom, Scherer, Porter, Bennett, Sader and Lambert:

Assembly Bill No. 91—An Act relating to life insurance; requiring the delivery of notice to the named insured of the purchase of or increase in coverage under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Myrna Williams, Spitler, Evans, Marvel, Humke, Perkins, Chowning, Giunchigliani, Heller, Tiffany, Price, Hettrick, Ernaut, Garner, Anderson, Arberry, Regan, Augustine, Petrak, de Braga, Smith, Wendell Williams, Neighbors, Segerblom, Porter, Bennett and Lambert:

Assembly Bill No. 92—An Act relating to traffic laws; increasing the maximum penalty for a conviction of driving under the influence of intoxicating liquor or a controlled substance if second offense within 7 years; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate broadcasting facilities: John Paul Owles, Paul Vohl, NEVADA BUSINESS NETWORK; Michael Clark, NEVADA SENIOR WORLD; Dennis Myers, Tim Robinson, Davida Wright, Terri Hardesty, Bill McGinty, Lori Stafford, Jodi Applegate, Wendy Burch, Gary Marquardt, Larry Muchowski, Steve Arlitz, Rick Dickens, Chris Bailey, Jules Roberson, Denise Clodjeaux, Laura Shafer, Ronda Ryan, Kelly Gordon, Marc Weiner, Kristen Russell, Steve Kremer, KTVN-

TV; Sean Comey, Vicki Campbell, Troy Hayden, Deborah Hoffman, David Karraker, Madeleine Simmons, Ron Ford, Dino Appolonio, Jim Atcheson, Ron Cafourek, Walter Colby, Joey Locker, Gary Seideman, KRNV-TV.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jens Larsen.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Mary Hickey.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, January 20, 1993 at 10 a.m.

Motion carried.

Assembly adjourned at 11:23 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE THIRD DAY

CARSON CITY (Wednesday), January 20, 1993

Assembly called to order at 10:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Haller and Porter, who were excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Father, "assembly" is an appropriate description of what we are. We are quite an assembly of various backgrounds, races, intellects, economies and religions. May our differences draw us closer rather than farther apart. And, no matter what our differences, we all ask Your blessings on our nation's new leadership. Thank You. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Bennett moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, January 19, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 3.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Government Affairs:

Assembly Joint Resolution No. 2—Urging the Tahoe Regional Planning Agency to carry out its current plans.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Joint Resolution No. 3—Urging the Tahoe Regional Planning Agency to increase its protection of scenery, consider the future demand for outdoor recreation, continue to authorize the appropriate expansion of residential development and avoid damage to the economy in the Lake Tahoe Basin.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Joint Resolution No. 4—Urging the Tahoe Regional Planning Agency to determine whether it is authorized to establish procedures to grant variances from the ordinances adopted pursuant to the Tahoe Regional Planning Compact for certain projects and, if authorized, to establish those procedures.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Joint Resolution No. 5—Urging the Congress of the United States to expedite ratification of the amendments to the Tahoe Regional Planning Compact made by the State of California and adopted by the Nevada Legislature in 1987.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Joint Resolution No. 6—Proposing to amend the constitution of the State of Nevada to require that a petition for the recall of a public officer contain the signatures of a certain number of registered voters.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 9 of article 2 of the constitution of the State of Nevada be amended to read as follows:

Sec. 9. Every public officer in the State of Nevada is subject, as herein provided, to recall from office by the registered voters of the state, or of the county, district, or municipality [, from which he was elected.] *which he represents.* For this purpose , [a number of registered voters] not less than twenty-five per cent (25%) of the number [who actually voted] *of voters who are registered* in the state or in the county, district, or municipality [electing said officer, at the preceding general election,] *which he represents, on January 1 of the year in which the recall petition is filed,* shall file their petition, in the manner herein provided, demanding his recall by the people . [; they] *They* shall set forth in said petition, in not exceeding two hundred (200) words, the reasons why said recall is demanded. If he shall offer his resignation, it shall be accepted and take effect on the day it is offered, and the vacancy thereby caused shall be filled in the manner provided by law. If he shall not resign within five (5) days after the petition is filed, a special election shall be ordered to be held within twenty days (20) after the issuance of the call therefor, in the state, or county, district, or municipality electing said officer, to determine whether the people will recall said officer. On the ballot at said election shall be printed verbatim as set forth in the recall petition, the reasons for demanding the recall of said officer, and in not more than two hundred (200) words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said election shall be finally declared. Other candidates for the office may be nominated to be voted for at said special election. The candidate who shall receive highest number of votes at said special election shall be deemed elected for the remainder of the term, whether it be the person against whom the recall petition was filed, or another. The recall petition shall be filed with the officer with whom the petition for nomination to such office shall be filed, and the same officer shall order the special election when it is required. No such petition shall be circulated or filed against any officer until he has actually held his office six (6) months, save and except that it may be filed against a senator or assemblyman in the legislature at any time after ten (10) days from the beginning of the first session after his election. After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which he was elected, unless such further petitioners shall

pay into the public treasury from which the expenses of said special election have been paid, the whole amount paid out of said public treasury as expenses for the preceding special election. Such additional legislation as may aid the operation of this section shall be provided by law.

Assemblyman Myrna Williams moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 3—Urging the Tahoe Regional Planning Agency to continue to increase its efforts to simplify its code of ordinances and its procedures for planning, reviewing and approving development projects.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

Senate Joint Resolution No. 3:

Assemblyman Bennett moved that the resolution be placed on the Chief Clerk's desk.

Remarks by Assemblyman Bennett.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:15 a.m.

ASSEMBLY IN SESSION

At 10:43 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Concurrent Resolution No. 4—Directing the state fire marshal to conduct a study of the feasibility of establishing regional response teams to respond to incidents involving hazardous materials.

Assemblyman Freeman moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Concurrent Resolution No. 5—Directing the State Emergency Response Commission to conduct a study concerning districts served by local emergency planning committees and the feasibility of agreements of mutual aid between local entities that respond to incidents involving hazardous materials.

Assemblyman Freeman moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Concurrent Resolution No. 6—Directing the Legislative Commission to study the feasibility and desirability of creating a Department of Public Safety.

Assemblyman Freeman moved that the resolution be referred to the Concurrent Committees on Natural Resources, Agriculture and Mining and Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 93—An Act relating to the department of prisons; clarifying the provisions governing the revenue to be deposited in the fund for new construction of facilities for prison industries; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 94—An Act relating to the department of prisons; revising the provisions governing the profitability of the programs for the employment of offenders; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 95—An Act making an appropriation to the department of education for distribution to public broadcasting stations; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 96—An Act relating to the financial administration of school districts; repealing duplicate and obsolete provisions concerning funds maintained by the school districts; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 97—An Act relating to public employees; specifying the amount to be paid by certain public employers for group insurance for the next biennium; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 98—An Act relating to the financial support of schools; allowing adjustment of the apportionment for the support of the education of handicapped children less than 5 years of age; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 99—An Act relating to education; authorizing financial assistance to a school district that adopts an extended school year program to provide classes for additional pupils; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 100—An Act relating to public schools; extending the time within which a board of county commissioners may impose a tax for enhancing the safety and security of the public schools within the county school district; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 101—An Act relating to taxation; authorizing the department of taxation to waive the payment of interest on certain taxes; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 102—An Act relating to property tax; requiring a county treasurer to publish or post a notice of the taxes assessed upon the real property tax roll at least quarterly; allowing a county treasurer to designate certain financial institutions as his agent for the purpose of receiving those taxes; repealing the requirement that a county treasurer take an oath concerning the payment of those taxes; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 103—An Act relating to taxation; authorizing a board of county commissioners to increase the rate of the taxes imposed for public mass transportation and construction of public roads; clarifying that any ordinance enacted changing the rate of such a tax must be submitted to the registered voters of the county for their approval; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 104—An Act relating to elections; requiring that a candidate for a nonpartisan office who receives a majority of the votes cast for that office in a primary election be declared elected; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 105—An Act relating to ethics in government; revising the definition of "candidate"; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 106—An Act relating to elections; allowing the county clerk of certain counties to appoint a high school pupil to act as a trainee for the position of election board officer; establishing qualifications for such a trainee; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 107—An Act making an appropriation to the state fire marshal division of the department of commerce for the establishment and operation of a toll-free telephone line providing information on regulations relating to hazardous materials; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture and Mining and Ways and Means.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 108—An Act relating to emergency management; requiring agencies in the executive branch of the state government to develop and periodically update a plan for emergency management; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture and Mining and Ways and Means.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 109—An Act relating to emergency management; creating the state center for emergency operations within the division of emergency management of the department of the military; establishing the duties of the center; requiring the director of the division to compile a list of the agencies that must be notified if an emergency involving hazardous materials is reported to the center; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture and Mining and Ways and Means.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 110—An Act relating to hazardous materials; creating a committee to study the designation of safe areas for transporters of hazardous materials; providing for its organization; prescribing its powers and duties; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture and Mining and Ways and Means.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 111—An Act relating to emergency services; requiring the certification of firemen and persons who respond to incidents involving hazardous material; requiring the state fire marshal to adopt regulations establishing standards for training and education for certification; requiring the attorney general or his deputy to assist in the development of such regulations; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture and Mining and Ways and Means.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 112—An Act relating to the state fire marshal; requiring the state fire marshal to study the levels of training concerning hazardous materials that firemen in rural areas have received; requiring the state fire

marshal to determine the level of training needed in each rural area and to propose alternative methods for additional training; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture and Mining and Ways and Means.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 113—An Act relating to the state fire marshal; requiring the state fire marshal to establish a mobile training team to train volunteer firemen to respond to incidents involving hazardous materials; requiring the state fire marshal to conduct a study regarding the training of hazardous materials technicians, hazardous material specialists and on scene incident commanders; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture and Mining and Ways and Means.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 114—An Act relating to hazardous materials; requiring the Nevada highway patrol division of the department of motor vehicles and public safety to develop a training program relating to hazardous materials and offer the program to employees of law enforcement agencies; requiring the training program to be certified by the peace officers' standards and training committee; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture and Mining and Ways and Means.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 115—An Act relating to hazardous materials; providing immunity from civil liability for certain governmental organizations and private persons in connection with those materials; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture and Mining and Judiciary.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 116—An Act relating to hazardous materials; requiring the department of taxation to collect certain fees related to hazardous materials; requiring the department, in cooperation with the state emergency response commission, to develop a program for the consolidation of the collection of fees related to the management of hazardous materials; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 117—An Act relating to hazardous materials; designating the state emergency response commission as the state agency which is responsible for coordinating certain regulatory activities relating to hazardous materials; requiring state agencies and local governmental agencies responsible for the regulation of hazardous materials to cooperate in the management of certain activities relating to hazardous materials; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 118—An Act relating to information; abolishing the advisory board on telecommunications, state communications board and advisory committee for data processing; creating the state board for management of information to assume the duties of the abolished boards and committee; directing a study to improve the management of information concerning hazardous materials; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 119—An Act relating to hazardous substances; providing that a person is exempt from the requirements of certification for the purpose of offering free consultation to an agency of the state or of a political subdivision of the state regarding incidents involving hazardous waste, materials or regulated substances; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 120—An Act relating to occupational safety; limiting the authority of the division of enforcement for industrial safety and health of the department of industrial relations to adopt regulations relating to occupational safety and health for fire fighters and persons who respond to accidents and incidents involving hazardous materials; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 121—An Act relating to radon; requiring certain tests for the presence of radon in buildings occupied by human beings; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 122—An Act relating to hazardous material; expanding the costs for which money may be expended and recovered regarding the response to an accident involving hazardous material; providing for notification of the legislature when certain of those costs cannot be recovered; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 123—An Act relating to hazardous materials; repealing the duplicative authority of the public service commission of Nevada to issue permits for the transportation of radioactive waste; requiring the Nevada highway patrol division of the department of motor vehicles and public safety to issue such permits with the approval of the commission; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 124—An Act relating to emergency management; clarifying the definition of emergency management; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 125—An Act relating to hazardous materials; making various changes to the provisions governing the repository for information concerning hazardous materials in Nevada within the Nevada highway patrol division of the department of motor vehicles and public safety; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 126—An Act relating to hazardous materials; directing the state fire marshal to develop a reference guide for use by personnel who

respond to accidents and incidents involving hazardous materials; requiring such personnel to be equipped with the reference guide; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 127—An Act relating to hazardous materials; requiring the state emergency response commission under certain circumstances to develop informational programs relating to hazardous materials; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 128—An Act relating to emergencies involving hazardous material; authorizing a representative of a local emergency planning committee to enter certain facilities if necessary to carry out the duties of the committee; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 129—An Act relating to hazardous material; requiring the allowance of a reasonable time to correct a first violation of a state regulation regarding hazardous material before the imposition of an administrative fine or civil penalty; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:05 a.m.

ASSEMBLY IN SESSION

At 11:06 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that the vote whereby Assembly Bill No. 100 was referred to the Committee on Ways and Means be rescinded.

Remarks by Assemblyman Price.

Motion carried.

Assemblyman Price moved that Assembly Bill No. 100 be referred to the Committee on Taxation.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolutions Nos. 1, 2; Assembly Joint Resolutions No. 1; Assembly Resolutions Nos. 1, 2, 3.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. James Hilz, II.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Michael Steinmann.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Ronni Morgan.

Assemblyman Bennett moved that the Assembly adjourn until Thursday, January 21, 1993 at 10:30 a.m.

Motion carried.

Assembly adjourned at 11:09 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FOURTH DAY

CARSON CITY (Thursday), January 21, 1993

Assembly called to order at 10:41 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Haller and Porter, who were excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Our Father, we begin today by simply saying thank You. We thank You for this wonderful state and its people. We thank You for the glorious moisture during this season. We thank You for these people and the job You have given them to do. Especially are we thankful for the way You love us no matter what. Thank You. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Bennett moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Petrak, Dini, Segerblom, Neighbors, Hettrick, Bonaventura, Augustine, Bennett, Collins, Arberry, Chowning, Spitler, Marvel, Humke, Regan, Myrna Williams, Kenny, Gibbons, Anderson, Price, Heller, Perkins, Toomin, Freeman, Scherer, Schneider, Giunchigliani, Bache, Wendell Williams, Gregory, Smith, McGaughey, Evans, Porter, Sader and Carpenter.

Assembly Joint Resolution No. 7—Urging Congress to eliminate inequities in the payment of social security benefits based on the year that persons initially become eligible for such benefits.

Assemblyman Petrak moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 130—An Act relating to motor vehicles; allowing the use of a mobile unit by an authorized station to inspect motor vehicles for compliance with the standards for emissions; requiring the department of motor vehicles and public safety to adopt regulations concerning the use of such a mobile unit; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 131—An Act relating to cancer; requiring specified health care facilities to make the records of certain cases of cancer available to the state health officer or his representative; requiring, under certain circumstances, specified health care facilities to abstract information from the records; assessing a fee; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 132—An Act relating to air pollution; increasing the maximum amount that the local air pollution control board may retain from the administrative penalties that it collects; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 133—An Act relating to cities; authorizing the annexation of a portion of an unincorporated town by a city under certain circumstances if the annexation is approved by the governing body of the unincorporated town; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess until 11 a.m.

Assembly in recess at 10:47 a.m.

ASSEMBLY IN SESSION

At 11:26 a.m.

Mr. Speaker presiding.

Quorum present.

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA

EXECUTIVE CHAMBER

CARSON CITY, NEVADA, January 21, 1993

THE HONORABLE JOSEPH E. DINI, JR., *Speaker of the Assembly,* Nevada Legislature, Carson City, Nevada 89710

DEAR SPEAKER DINI:

With permission of your honorable body, I propose to deliver my State of the State

message to the Sixty-Seventh Session of the Nevada Legislature, on Monday, January 25, 1993, at 6:30 p.m. in the Assembly Chambers of the Legislative Building.

Sincerely,

BOB MILLER
Governor

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 134—An Act relating to public employees; restricting access to certain information in personnel records; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 135—An Act relating to employment practices; expanding the provisions governing the rights of an employee to inspect his record of employment; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:31 a.m.

ASSEMBLY IN SESSION

At 11:37 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 136—An Act relating to property taxes; revising the provisions governing the assessment and conversion of agricultural and open space real property; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 137—An Act relating to property taxes; revising the provisions governing the assessment of property for taxation; repealing certain obsolete provisions; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Shawn Elicegui.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Mark Mellow.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Ted Finneran.

Assemblyman Bennett moved that the Assembly adjourn until Friday, January 22, 1993 at 10:30 a.m.

Motion carried.

Assembly adjourned at 11:39 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FIFTH DAY

CARSON CITY (Friday), January 22, 1993

Assembly called to order at 10:36 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Haller and Scherer, who were excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Well Father, here we are at the end of our first week. In the days ahead, may we have enough failure to keep us humble, enough success to keep us happy, enough compassion to get along with one another, and enough love and faith just to make it. I pray this in the name of my Savior. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Bache, Collins, Price, Chowning, Toomin, Smith, McGaughey, Petrak, Spitler, Anderson, Freeman, Garner, Giunchigliani, Perkins, Regan, Lambert, de Braga, Sader, Segerblom, Porter, Neighbors, Haller, Arberry, Myrna Williams, Bonaventura, Gibbons, Kenny, Evans, Wendell Williams, Schneider, Gregory, Tiffany, Dini and Marvel:

Assembly Joint Resolution No. 8—Urging Congress not to require the states to provide services or benefits unless it provides the related funding.

Assemblyman Bache moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Bache, Evans, Collins, Price, Chowning, Toomin, Smith, Anderson, Freeman, Garner, Giunchigliani, Regan, Segerblom, Haller, Arberry, Bonaventura, Kenny, Wendell Williams and Schneider:

Assembly Bill No. 138—An Act relating to traffic laws; requiring certain signs designating school zones to be equipped with yellow lights that flash alternately to indicate when the speed limit in the school zone is in effect; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:50 a.m.

ASSEMBLY IN SESSION

At 10:57 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Joint Resolution No. 9—Supporting the efforts of the people of the territory of Guam to achieve the status of a Commonwealth of the United States.

Assemblyman Myrna Williams moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 139—An Act making an appropriation to the legislative fund for the encapsulation of plenum areas in the legislative building; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 140—An Act making an appropriation to the legislative fund for the cost of equipping and operating the legislative office in the state office building in Las Vegas; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Gibbons, Hettrick, Ernaut, Price, Heller, Arberry, Sader, Lambert, Gregory, Freeman, Chowning, Marvel, McGaughey, Petrak, Evans, Augustine, Schneider, Segerblom, Carpenter, Regan, Giunchigliani, Spitler, Neighbors, Garner, Bennett, Wendell Williams, Smith, Kenny, Tiffany, Anderson, Bache, Bonaventura, Collins, de Braga, Toomin, Humke, Haller, Myrna Williams, Perkins and Dini:

Assembly Bill No. 141—An Act relating to crimes; prohibiting the resale or advertisement for sale of a ticket to an athletic event or an entertainment at a price in excess of the original price of the ticket; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Gibbons moved that the bill be referred to the Committee on Judiciary.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Myrna Williams requested that her remarks be entered in the Journal.

Thank you, Mr. Speaker. Today is a day of happiness and sadness. Happiness because we have a longtime member of our front desk who is going on to do some wonderful things with her family and sadness for us because we are losing her after 21 years. Joanie Anderson, I know, probably is going to be embarrassed by this, but I would like everyone to know something about Joanie. Joanie started in 1971 as a committee secretary and that happens to be the same year that the Legislature moved into this building so she really has ties to this Chamber. She joined the front desk in 1977 which was the first year that our Speaker, Mr. Dini, was Speaker. She served under Speakers Jacobsen, Ashworth, Dini, May, Barengo, Vergiels, Bilyeu and then if I may just say Dini, Dini, Dini. Joanie is going to be dividing her time between Sparks and Phoenix, Arizona, and North Star Golf Course which really sounds pretty good to me and I think probably pretty good to everybody else. The front desk calls her the punster because of her wonderful sense of humor and we're going to miss Joanie. We have a little remembrance for her. With your permission Mr. Speaker I will bring it down. In addition, after the presentation and after we adjourn, there is a cake in the conference room of leadership offices.

Assemblyman Porter moved that the Assembly adjourn until Monday, January 25, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 11:03 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE EIGHTH DAY

CARSON CITY (Monday), January 25, 1993

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Haller, who was excused.

Prayer by the Chaplain, The Reverend Art O'Rear.

All wise and loving Father in heaven, we express our grateful thanks to You for the bountiful blessings You have bestowed upon us. We pray that You will continue these blessings on us as You see our needs. Today we ask that You be with this Assembly as they endeavor to enact such laws that will be for the common good of our citizenry. We ask these blessings and favors through Him who gave His life for us. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

COMMUNICATIONS

THE AMERICAN LEGION
DEPARTMENT OF NEVADA

January 22, 1993

ASSEMBLYMAN JOE DINI, *State Office Complex*, Carson City, Nevada 89701

DEAR ASSEMBLYMAN DINI:

The American Legion, Department of Nevada, would like to request that the Nevada Legislature schedule a time frame for National Commander Roger A. Munson to address the joint session. A tentative time of January 26, 1993 at 11:00 AM had been previously discussed and would be mutually convenient. Thank you for all attention given this request. Best wishes for a successful session.

A. C. HOXIE
Department Adjutant
Department of Nevada

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini and Hettrick:

Assembly Joint Resolution No. 10—Memorializing the State of California to recognize irrigation districts of this state as governmental entities with similar rights and privileges to its own.

Assemblyman Hettrick moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 142—An Act relating to communications; providing additional circumstances under which wire or oral communications may be recorded or intercepted; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Gibbons, Ernaut and Hettrick:

Assembly Bill No. 143—An Act relating to county fire protection districts; increasing the number of members on the board of directors of certain districts; increasing the maximum allowable amount of compensation for members of the board of directors of certain districts; and providing other matters properly relating thereto.

Assemblyman Gibbons moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Dini, Myrna Williams, Sader, Heller, Segerblom, Schneider, Bennett, Giunchigliani, Garner, Price, Humke, Perkins, de Braga, Arberry, Wendell Williams, Freeman, Gibbons, Collins and Marvel:

Assembly Bill No. 144—An Act relating to traffic violations; requiring a person convicted of driving under the influence of an intoxicating liquor or controlled substance to attend a meeting on the impact such a crime has on other persons if such a meeting is available within a certain distance from the offender's residence; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 74, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:11 a.m.

ASSEMBLY IN SESSION

At 11:15 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Elections and Procedures:

Assembly Bill No. 145—An Act relating to elections; requiring public notification of any extension of a statutory election deadline by a court; revising the procedure for allowing examination of the information in pollbooks; changing the deadlines for filing certain documents; making applications for absent voters' ballots available for public inspection; changing the manner of compensating deputy registrars; increasing the penalty for voter fraud; making various other changes relating to elections; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblymen Neighbors, Segerblom and Hettrick:

Assembly Bill No. 146—An Act relating to marriage; authorizing a board of county commissioners to designate one branch office of the county clerk outside of the county seat for the issuance of marriage licenses; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Joint Resolution No. 3 be taken from the Chief Clerk's desk.

Motion carried.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, resolution declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 3.

Resolution read third time.

Remarks by Assemblymen Marvel and Gibbons.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I rise in support of S.J.R. 3 commending President Bush and Vice President Quayle for their many years of public service. I think the resolution is quite clear on the accomplishments of these two gentlemen.

President Bush did have an illustrious career in World War II. As stated in the resolution, he was Ambassador to China, represented the CIA, a member of Congress for many years, he was chairman of the Republican National Committee and, of course, Vice President under President Reagan.

Vice President Quayle, prior to being Vice President, served in the State of Indiana and the United States in the Congress for over a decade. I think history will, whether some

people agree or not, leave its mark during the administration of these two gentlemen. We saw the end of the cold war, we saw the dissolution of the USSR and we certainly witnessed the dismantling of the Berlin Wall. And, of course, as my colleague, Colonel Gibbons, is going to attest, we were quite successful in the Persian Gulf. I don't think more need be said. These two gentlemen were devoted to our great country and are loyal Americans. I certainly urge your support of this resolution. Thank you.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. To you and through you to my colleagues, I'd like to say that I support this resolution. Unfortunately, President Bush couldn't send me overseas this time to avoid the conflicts in this Legislature. On a little more serious note, I think that this nation among all nations distinguishes itself not by the way we elect people but by the caliber of people we do elect to the presidency, all of whom in every instance have at least been a statesman for the cause of freedom for which the United States stands. Looking at Mr. Bush as my colleague from Winnemucca has said, Mr. Bush was a war veteran. One thing that he and I do share in common is that we both flew in a war and both have been decorated with a Distinguished Flying Cross for those services. He not only was a state legislator, congressman, ambassador, vice president and president, but I think every president has the responsibility and the duty to establish the direction in which this country is going. In 1967, I joined the military under then President Johnson. During that time I have had the pleasure to serve under seven presidents including President Clinton. I've seen the country come together and I've seen it torn apart on several issues; many of those issues were economic, social, international and military issues. As a person who has seen the grim reality of war, who has witnessed the ultimate human tragedy, I can tell you that there is nothing more serious than having to face combat. With this in mind and with respect and thanks to veterans, I'd like to support this resolution for President Bush's efforts on behalf of my children and every other child in this country for helping to eliminate nuclear war and above all for the veterans who have served in the past to help eliminate and rid our country of the ghost of Vietnam, and to once again establish a measure of pride in our country. Mr. Speaker, if it is appropriate, I would now like to ask through you and to you to my colleagues for each of us to stand in a moment of silence not in recognition of just Mr. Bush and Mr. Quayle but for the office of the presidency and Mr. Clinton who after all is our only President that we have right now and he deserves our support too. Thank you.

Roll call on Senate Joint Resolution No. 3:

YEAS—41.

NAYS—None.

Absent—Haller.

Senate Joint Resolution No. 3 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assemblyman Porter moved that the Assembly recess until 6:15 p.m.

Motion carried.

Assembly in recess at 11:36 a.m.

ASSEMBLY IN SESSION

At 6:15 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Evans and Gibbons to invite the Senate to meet in Joint Session with the Assembly to hear the Governor's Message.

Mr. Speaker appointed a Committee on Escort consisting of Assemblymen Neighbors and Hettrick to escort the President pro Tempore of the Senate to the rostrum.

Mr. Speaker appointed a Committee on Escort consisting of Assemblymen Myrna Williams and Augustine to escort the President of the Senate to the rostrum.

Assemblyman Evans reported that her committee had invited the Senate to meet in Joint Session with the Assembly to hear the Governor's Message.

The Committee on Escort in company with the President of the Senate appeared before the bar of the Assembly.

The Committee on Escort escorted the President of the Senate to the rostrum.

The Committee on Escort in company with the President pro Tempore of the Senate appeared before the bar of the Assembly.

The Committee on Escort escorted the President pro Tempore to the rostrum.

The Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 6:24 p.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senator Rawson, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblyman Haller, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator O'Connell and Assemblyman Porter to wait upon the Governor of the State of Nevada and escort him to the Assembly Chamber.

The President of the Senate appointed a Committee on Escort consisting of Senator O'Donnell and Assemblyman Sader to wait upon the Justices of the Supreme Court and escort them to the Assembly Chamber.

The President of the Senate appointed a Committee on Escort consisting of Senator Rhoads and Assemblyman Smith to wait upon the Constitutional Officers and escort them to the Assembly Chamber.

The Committee on Escort in company with the Constitutional Officers appeared before the bar of the Assembly.

The Committee on Escort escorted the Constitutional Officers to chairs in the Assembly.

The Committee on Escort in company with Justice Charles E. Springer, Justice Thomas L. Steffen, Justice C. Clifton Young and Justice Miriam Shearing appeared before the bar of the Assembly.

The Committee on Escort escorted the Justices of the Supreme Court to chairs in the Assembly.

The Committee on Escort in company with his Excellency, Bob Miller, Governor of the State of Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Governor to the rostrum.

The Speaker of the Assembly welcomed the Governor and invited him to deliver his message.

The Governor delivered his message as follows:

President Wagner, Speaker Dini, Chief Justice Rose and distinguished justices of the State Supreme Court, ladies and gentlemen of the 67th Nevada Legislature, honored guests and fellow Nevadans.

There are winds of change blowing all across America. A new president rallies us to an era of renewed activism in government.

This president challenges us as public servants to a new standard of leadership, asking we address the most serious problems in an honest and straightforward manner, to have the courage to reform and change our government even when it might be difficult or unpopular.

He issues a new call to citizenship asking all Americans to make a commitment to personally participate in finding and implementing tough solutions.

In his inaugural address, President Clinton said, and I quote, "We have to face hard truths and take strong steps." That's true for America and it certainly has been true for Nevada over these past two years as we struggle out of the worst recession since the Great Depression.

Twice during these past two years I have had to make hard choices, ordering major budget cuts totalling $173 million. I imposed a hiring freeze across state government. Every department and agency was affected. As of today we have 1,452 positions that have either been completely eliminated or are standing vacant. That is over 11 percent of the state work force. When it became necessary, state government tightened its belt.

Wall Street's most respected professional financial analysts, Moody's and Standard and Poor's, judged our efforts a total success. During 1991 and 1992 these rating agencies lowered bond ratings on over 800 state and local government bond issues. Meanwhile, three times they reaffirmed Nevada's bond rating, each time reporting it as "stable." They described our response to the budget crisis in glowing terms, calling it "swift and credible," "decisive," "conservative" and "strong."

Early in this session I will need your approval of some of the agonizing budget-cutting decisions that I was responsible for making in your absence.

I need you to support and pass my bill that appropriates $51 million to public schools to cover their continuing revenue deficit. Fortunately, the $51 million is available without new taxes, the result of savings from our hiring freeze and two rounds of budget cuts. Included in that supplemental appropriation is legislative approval of the five percent reduction in school spending needed to make possible the overall budget-cutting program ordered last year. We need to complete the reductions which kept our budget balanced.

Let me take this opportunity to express my appreciation to many of you here tonight, Republicans and Democrats, who put politics aside and spoke in support of the tough budget-cutting decisions I was forced to make. And to those most affected by the cuts in programs and services let me again express the depth of my sorrow and anguish for the load you have been carrying during these difficult economic times.

As I prepared myself for this 1993 legislative session, and for this message, I was confronted with a mix of emotions. I am saddened and disappointed that I could not approach you today as I have twice before with an ambitious list of new programs, new ideas and enhanced funding to improve existing programs.

But I am resolved to attack our problems, confront the economic realities of Nevada, and take all the necessary steps to insure that whoever stands before you two years from now is facing a healthy economy, a stable and predictable budget in a prosperous state. These are the key elements any chief executive needs to be progressive and innovative.

There are many issues facing us and much legislation that will be crafted, debated and voted on during this legislative session. I will take part in many, if not, all of those debates. But tonight there are three main areas I have focused on. I will use every resource I have as Governor to insure legislative approval and public support in each of these vital areas.

Number One: I am presenting to you a budget which will elate some and disappoint others. But as I stand here today I believe that Nevada's best hope for the future is for us in government to use these next two years to build a sound and stable budget. That means setting strict spending limits, finding more efficient ways to provide better services and allowing Nevadans to achieve their own personal economic recovery without fear of paying higher taxes.

Number Two: I am asking that you endorse and approve my plan for making state government more efficient, more economical as well as more responsive to our constituents by reorganizing and streamlining our current structure. I am joined by many Nevadans in asking you ladies and gentlemen of the 1993 Legislature to put politics aside and to adopt the belief that no one is being criticized for how state government has worked, but to accept the challenge to make it work better.

Number Three: Quite possibly our greatest challenge is to reform our injured workers insurance program. I am presenting to you a dramatic package to reform SIIS. Let me caution you that there are neither easy answers nor politically safe cures for the system. If we act aggressively today Nevada's injured workers can be guaranteed a system that helps them heal, rehabilitate and re-enter the work place. But at the same time neither employers nor taxpayers should shoulder the unnecessary burden of inefficiency.

Now let's talk about Nevada's economy and my budget plan. Today, there are signs of a recovery. Employment is up. So are housing sales. Las Vegas is home to over $2 billion in new destination resort construction. Tax revenues have begun to rebound. However, our state budget continues to be severely strained. School and university enrollments are climbing rapidly, almost as if the economy was still in full bloom. At the same time, welfare and Medicaid caseloads are climbing fast, as if the recession were still in total control. This combination has driven our state expenses far beyond the reach of these recent tax revenue increases.

We must keep Nevada among the lowest tax burden states in America. Recently Money Magazine reported Nevadans pay the second lowest taxes in the country. It must remain so.

Now more than ever the obligation we all must accept is to spend money wisely and spend it frugally. I have recommended strict general fund spending limits for every segment of state government.

Except for education, welfare and Medicaid, and our mental health and mental retardation division, every single agency in state government is held to the same or less funding than was authorized for them during this past biennium. Most agencies experience continued reductions.

Our public employees continue to respond to these challenges, handling increased workloads with a decrease in the work force. Frankly, I am proud of their dedication.

My goal is to maintain essential services without pulling the rug out from under our economic recovery. Therefore, this must be a hold-the-line, bare essentials budget.

One area of service continues to be first in our hearts, first in priority, our children. Each child deserves the best chance, the best opportunities we can possibly offer.

If we are to rebuild America as a world economic leader, we absolutely must adequately fund the growth in our schools, community colleges and universities. Therefore,

while other budgets are held at or below present funding levels, I propose increasing education funding by $96 million. Let me stress that this increase only insures that we can maintain and meet the costs of existing programs.

Sandy and I are parents of two school age children and we care very much about their education. We are also grateful for the good health of all three of our children. These are the first priorities of all parents. We believe we must help all parents have healthy children. We must pursue preventative care programs. As Governor, my budget will enhance the overall health and well-being of Nevada's youngest through new initiatives in prenatal and maternal health, and family support programs including "Baby Your Baby" and MOMS. These will improve the quality of life for each child they touch, and they will also return this year's modest investment many times over in the future.

The health and well-being of all Nevadans is a priority that demands increased funding in welfare and Medicaid. Despite hard times, we have a responsibility to protect the poor and nurture the ill.

Medicaid services are essential. But increased caseloads and a growing list of services the federal government requires we provide known as mandates have created an almost insatiable, budget busting black hole in our budget. Still, it is our moral and legal responsibility to adequately fund these programs.

To help in that funding, I propose we continue the hospital assessment you passed last year known as the "Medicaid Miracle." This program will help fill the funding deficit in Medicaid by adding $77 million in federal matching funds. Even with the use of this federal money, we will have to increase the state's general fund contribution to Medicaid by 32 percent.

We must also deal with the very tough and delicate issue of welfare reform.

Nevadans know America became great because we prided ourselves on individual responsibility, each person carving out his or her place in our society and in our economy. Of course, we absolutely must help those who cannot support themselves or their children. Yet we owe each of these people every opportunity to find their own place, standing on their own, working and living in our society. Welfare has become a system that for many breeds dependency. We must rebuild the system, creating incentives that help families become self supporting again.

If we give a family no more than basic support benefits, they become dependent on us again each succeeding month. The cycle repeats. But if we also offer education, training, and employment experience, we give the head of that family the opportunity to succeed in our economy.

During the coming weeks our human resources administrators and I will present to you programs that create incentives for parents to get back on their feet; incentives for job training and incentives to help their children work successfully in a school environment; incentives to stay on the job, rather than quit and go on welfare.

We have heard the popular phrase many times, "Workfare not welfare." And that is the thrust of the programs I propose.

I want Nevada's effort to be known for its compassion, and for its commitment to help build self reliant families who live and function with pride. These are good people coping with hard times. We must remember they need a helping hand, not a heavy hand. But it has got to be a hand up, not just a hand out.

The tight budget situation we face means the state hiring freeze must continue for most or all of the next two years. In fact, my budget, even before reorganization, permanently eliminates 710 positions in the state work force.

And, unfortunately, there will be no pay raises for state workers, teachers and other workers in our schools and university system. These hard working public servants deserve salary increases. They have dedicated their careers to public service, and have done a great job. However, there is just no money for increases at this time. I cannot propose any increases in light of our most recent economic instability.

I have recommended a modest $3 million tax increase for slot route operators so that gaming taxes across the state are collected on an equitable basis. But for the general public the budget I have submitted to you proposes there be no new taxes.

One area of taxation needs immediate attention. We must fix the business license fee. Two years ago my proposal promised to protect small businesses from the business tax. Unfortunately, the small business exemption I proposed did not make it into law.

I know everybody in this room shares my belief that small businesses are big businesses under construction. I have always intended these growing companies be protected against burdensome taxation.

Today, I recommend we deliver on our commitment to small business. I will bring forth legislation which creates an exemption for all small businesses with four employees or less. This exemption means that once a business pays its business fee one time of $25 and as long as it remains with four employees or less, that business will not pay another dime in business license fees. This step alone will exempt nearly 18,000 of our smallest, most fragile businesses from any further payment.

In order to accomplish this small business exemption, I propose we remove the cap which applies to a handful of the state's largest corporations, thus the tax will fall on those who can most afford it.

In addition, I have proposed legislation which will allow businesses with 50 employees or less to provide group health insurance to their employees. This plan allows small businesses to be included in a group health insurance pool of the state thus benefitting from the state's enormous purchasing power. This will enable many more businesses and their employees access to affordable health insurance.

This budget preparation has been very difficult for me. I do not seek political gain for the seemingly popular label of the fiscal conservative. Nor do I challenge you to read my lips.

What I do know is what I have heard from hard-working Nevadans from all corners of this state. Their message to you, and to me, is get state government under control, show us you are spending every tax dollar effectively and efficiently, and prove to us that state programs are working before you ask us to invest more of our tax dollars in state government.

We must show Nevadans that state government can work, even when times are tough.

Holding the line on spending, no new taxes on the general public, maintaining strict spending limits and an across-the-board hiring freeze are only temporary fixes. Necessary, but temporary. There are many reasons why we must look at long-term changes in the way we do business in state government.

Foreign gaming. Eight other states have approved casino style gaming. Every state except Hawaii and Utah now have some form of legalized gambling.

Indian gaming. Fourteen states have approved Indian owned and operated casinos within their borders and 12 more are considering approval.

We have no idea what long-term impact the proliferation of casino style gaming will have on our economy. Whatever the impact, the effect on state government will be immediate. Gaming and tourism fund over 50 percent of Nevada's state budget.

Furthermore, the rapidly deteriorating California economy will hit us hard. Forty percent of Nevada's tourists come from California, and thousands of Nevada companies depend on a healthy California.

This tight budget and these long-term uncertainties mean Nevada must begin to build a state government based on efficiency and accountability. I can tell you from my four years' experiences as Governor of this state that we are rife with duplication, overlaps, inefficiencies. We cannot leave this issue unaddressed.

Nevada currently has 47 different agencies that report directly to the governor. In addition there are approximately 170 boards and commissions that free float. They set policy and create regulation, yet they work through no formal structure in our government.

All together, the governor's theoretical span of control in this government is about 200 to 1. That is foolish and unworkable.

Last year I impaneled an independent commission, headed by Dr. Kenny Guinn, to look at state government from a business point of view. That commission built a reorganization plan which I strongly endorse, and I intend to do whatever it takes to convince you it is critical to the future of state government.

This reorganization proposal brings state government down to 13 departments, three major boards and four major commissions. All other boards and commissions will report to the governor through various state agencies. This reduces the span of control down to 20 to 1, a more workable ratio for proper review and good management.

There are some very important improvements that can result from your approval of this plan. For example, today businesses have to cope with waves of auditors coming from all over state government. The Insurance Department, Employment Security Department, Taxation Department and State Industrial Insurance System each has a staff of auditors that visit businesses and repeatedly audit essentially the same books. It is time for us to merge all of the tax audit teams and tax collecting responsibility into one agency. One stop shopping. This merger will work. Business will have more confidence and government will be more efficient. We can immediately save nearly $4 million in unnecessary duplication.

On another front it makes absolutely no sense for us to have seven different payroll systems. The Department of Transportation, Public Employees Retirement System, State Industrial Insurance System, our University System, the Legislative Counsel Bureau, the State Controller and State Personnel all have their own individual systems. In the science of computer payroll systems today, bigger is cheaper. We must reorganize and merge some of these systems. Perhaps there is no better example of how out of control Nevada's bureaucracy has become than to look at our purchasing system. When our state employees report they can go to any major retail business supply store and make purchases for less money than through the state system, something is very wrong. Elimination of the red tape and delay makes them more productive; it also immediately saves us $1.2 million.

I could give you many other examples. But the bottom line is if you approve this reorganization plan as submitted, we save $27 million over this first biennium and reduce the bureaucracy by an additional 266 positions.

Let's set the priorities, tighten our belts where we can, eliminate waste, reorganize, cut the cost of bureaucracy by $27 million and use that money to provide services for families who need it, the elderly who have earned it and our children who deserve it.

With your help, 1993 will be a year of genuine restructuring and reform. One area that cries out for reform and improvement is Nevada's elections process. There is no greater insult to people who go to the polls on election day, with justifiable pride in their citizenship, only to be denied their right to vote. Campaign hijinks and election department inefficiencies have turned the voting booth into a place of confusion, intimidation and manipulation. If we are to build confidence in our leadership and our government, we have got to make the voting booth safe again.

Assemblywoman Myrna Williams' Elections and Procedures Committee will take the leadership role in this vitally important area. They will consider a comprehensive plan that includes increasing the accountability of election departments; increasing penalties for election fraud; and eliminating intimidation at the voting booth.

We must encourage all Nevadans to vote. To do so we must not only eradicate fraud, but the perception of fraud. The first step in this process must be eliminating commissions paid to voter registrars. There must be no more bounties.

Finally, our most serious challenge. Everybody in this chamber is aware the State Industrial Insurance System, SIIS, is officially insolvent. As of June 30, 1992, SIIS' real debt was $2.2 billion. That debt equals all state government's spending for education, prisons, welfare, Medicaid, state workers' salaries, environmental protection, senior citizen services, every single part of our general fund spending for not one, but two full years.

SIIS will be penniless as of December 1995. At that time it will leave us a full $3 billion debt for which there is no revenue. If we do not act forcefully and quickly, it will force a taxpayer bailout. I certainly hope we have learned our lesson from the savings and loan crisis.

Each day, the problem gets worse. SIIS' premium revenues for this year alone fall $394 million short of SIIS' own expenses. As Governor I declare this a "state emergency."

Emergency steps must be taken now before it becomes a financial calamity. I believe SIIS reform will be effective only when sweeping changes have been made. The only way to implement these changes fairly is to ask all groups to share in the sacrifice.

Injured workers will have less freedom in selecting doctors, more stringent demands made on them to go back to work. Their appeal rights will be altered. Still, our commitment to providing quality care will continue.

Medical providers. Primary care physicians and medical specialists of all kinds must accept a fixed, capped rate.

Chiropractors, as other specialists, will no longer be able to deliver service without first having that patient referred to them by a primary care physician.

Attorneys. I recommend we place a conservative cap on private attorneys' fees relative to workers compensation cases.

Businesses, too, are going to have to do their share. They will be expected to pay a deductible for each of their workers who has a legitimate SIIS claim. They will have to take responsibility for establishing and running a meaningful safety program in their workplace. And the plain fact of the matter is that all the changes proposed for SIIS might still not be enough to protect against future rate increases.

Another group that will make sacrifices are the existing SIIS employees. All management and professional workers will be made more accountable for making the reforms you approve during this session successful. If they cannot do the job they face the very real possibility they will be demoted or even fired.

Each day of the session these halls will fill with people who want to solve this problem, on someone else's back. They will have good stories about why they must be left untouched. But at night as you go home or on weekends as you visit your neighborhood, look carefully at each person you meet. They are the workers who could be without coverage in the future, the business leaders soon to be forced out of business by skyrocketing premium payments, people who, except for you, are voiceless in this process.

The bottom line for SIIS reform is that everybody must participate. Everybody must step up to the plate, or we will not be able to avert a real disaster.

The first component of my proposal is managed care. Everybody generally agrees on this principle. I believe we must go further than others have gone. Treatment offered by primary care physicians and medical specialists will be performed only as part of a managed care package under an exclusive contract awarded to multiple provider networks resulting from a bid and negotiation process.

The managed care and utilization review program will include capped charges, controls over the type and amount of care, preapproval requirements for all major procedures, and strict cost-saving standards.

Next, an early return to work program, requiring all employers and employees to work aggressively to get workers back to work as soon as possible. This system must operate more like a private insurance company and less like a state bureaucracy. It should be removed from the State Budget and Personnel Acts. We should establish clearer and stronger regulatory controls over SIIS by the same insurance commissioner who fully regulates privately held companies.

We must centralize the fraud unit; consolidate within the Attorney General's office all authority to investigate and prosecute fraud; establish a secret witness 1-800 hotline for insurance fraud; and provide strict penalties for violators.

The entire rehabilitation system should be transferred to the state division of rehabilitation.

There are many other issues covered in my program including removing stress once and for all as a compensable injury and allowing groups of companies to establish self-insurance programs.

All of these are essential. Equally essential is the necessity to have tight control of this system. There is one more major change.

I believe the management of our workers compensation program can no longer, given the emergency state of the system, be handled by an emergency board. Therefore, I recommend we abolish the Board of Directors for SIIS and place the responsibility under the direct control of the governor.

People expect their governor, as the state's chief administrator, to take personal command of an emergency. While I do not relish this task, I accept it as my obligation and my responsibility, and I must have the tools to effectively manage this crisis.

I do not want our legacy, yours and mine, as elected leaders of this state's government, to be one of bankruptcy. Only if you and I pull together, work hard together, agree together on the toughest medicine of all, can we hope to succeed. The financial viability of our state's businesses, continued protection of Nevada's workers, the stability of our state government are all at risk.

We are facing many challenges but we will meet each one head on because the heart and the will are here because we will always put the interests of the great people of this incredible, dynamic state above partisanship and sectionalism.

I believe you are sacrificing time away from your families, your jobs and your businesses because you want to help build a prosperous, progressive, energetic state.

The time has come for us to reach deep inside our hearts for the courage, and deep inside our souls to find the conviction, to serve those who have placed their trust in us as leaders of this great state. Thank you.

Senator Callister moved that the Senate and Assembly in Joint Session extend a vote of thanks to the Governor for his timely, able and constructive message.

Seconded by Assemblyman Kenny.

Motion carried unanimously.

The Committee on Escort escorted the Governor to the bar of the Assembly.

The Committee on Escort escorted the Justices of the Supreme Court to the bar of the Assembly.

The Committee on Escort escorted the Constitutional Officers to the bar of the Assembly.

Senator Coffin moved that the Joint Session be dissolved.

Seconded by Assemblyman Schneider.

Motion carried unanimously.

Joint Session dissolved at 7:06 p.m.

ASSEMBLY IN SESSION

At 7:09 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. John Koontz and Larry Morse.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. William Mueller, David Pumphrey, Andy Hettrick and Mss. Sally Mueller, Patsy Pumphrey, Jessica Leon, Tiffany Hettrick and Arla Hettrick.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Kathy Levin.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, January 26, 1993 at 10:45 a.m.

Motion carried.

Assembly adjourned at 7:10 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE NINTH DAY

CARSON CITY (Tuesday), January 26, 1993

Assembly called to order at 10:50 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Haller, who was excused.

Prayer by the Chaplain, Rabbi Mel Hecht.

A brief comment before my prayer.

The tradition of my ancestors and people is based on the rule and necessity of law. However, that rule is tempered with a profound insight; that law is meant to serve humanity, not humanity the law. For we, and the Judeo-Christian ethic which permeates this American experiment of ours has come to abhor slavery in any form. So my prayer is a simple one:

May your deliberations and decisions transcend the boundaries of political self-interest and concern, and produce statutes and ordinances, laws and commandments which serve and provide for our collective humanity.

May they be laws which promote the well-being of our citizenry, which enhances justice for all, and establishes peace among the inhabitants of our land.

May future generations look back to the work of we, their ancestors, and praise us for expanding the foundation of freedom and helping to bring ever nearer the day of God's kingdom on earth. In whatever name we pray, let us say AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing Mr. Roger A. Munson, National Commander of the American Legion.

Assembly in recess at 10:58 a.m.

ASSEMBLY IN SESSION

At 11:26 a.m.

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

Assemblyman Porter requested that the following remarks be entered in the Journal.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks.

I would like to welcome the National Commander of the American Legion, Roger Munson. If I might, I would like to give you the biography on him.

He was elected National Commander of the American Legion, August 27, 1992, during the closing session of the 74th Annual National Convention in Chicago.

He is a veteran of World War II. Munson enlisted in the Navy's V-12 Officer Training Program in February, 1944, and served until June, 1946. One month after his discharge, he joined the Heights-Hillcrest Post 104 in Cleveland Heights, Ohio, and has been a member ever since, serving as its Commander before progressing to leadership roles at the county and district echelons. He holds a life membership in Post 104.

In 1968, Ohio Legionnaires elected Munson Department Commander. He also has served as Ohio's National Executive Committeeman and Alternate NECman. At the national level of the American Legion, Munson has served as National Vice Commander, 10 years as chairman of the National Security Commission, and as a member of the National Membership and Post Activities Committee and the National Policy Coordination and Action Group.

In addition to his Legion offices, Munson is a Past President of the Cleveland Heights Joint Veterans Council, Past President of the Cleveland Heights Fire Pension Board, and has held various offices as an active member of the First Covenant Church of Cleveland, where he is presently Chairman. He is a member of Sigma Alpha Epsilon and Pi Delta Epsilon fraternities.

Munson is owner of R. A. Munson and Associates of Cleveland, Ohio, building supply distributors. He holds a Bachelor of Science degree in electrical engineering from Case Institute of Technology. He also attended the Illinois Institute of Technology and Baldwin-Wallace College.

Munson and his wife, Jane, reside in Mentor, Ohio. They are the parents of three children: Roger, Jr., also of Mentor; Judith Ann Schwanz and James H. of Euclid, Ohio. They have five grandchildren.

Let's give a hearty welcome to the National Commander.

MR. ROGER MUNSON, *National Commander,* American Legion:

Thank you very, very much. Thank you for the introduction, Mr. Speaker. Lieutenant Governor, Sue Wagner; Speaker of the Assembly, Joe Dini; State Senate Majority Leader, Bill Raggio; distinguished members of the Nevada State Legislature and ladies and gentlemen. It is an honor and privilege to be invited to speak to you today. I thank you for taking time from your busy schedule of doing the business of this great state to listen to my brief remarks.

I also wish to thank some of Nevada's finest citizens for arranging this opportunity to speak to you. I am sure many of you already know them, especially the man who sat among you for 20 years as a member of this body who's the National Executive Committeeman of the Nevada American Legion, the honorable Mr. Archie Pozzi. I would ask that you also recognize the State Commander of the Nevada Legion, Bill Carpenter and the State Adjutant, Jack Hoxie. Thank you very much.

These men are not just friends and fellow Legionnaires but they are friends to all veterans and the citizens of this great state. It is because of them and the many Legionnaires of Nevada working hand in hand with you that Nevada and indeed America, have become a better place for all of us to live.

As the National Commander of the world's largest veterans organization, more than 3.1 million men and women who served their country in time of war or conflict, I do a lot of traveling. I am constantly on the road. It is part of my job, not only to visit as many Legionnaires as I can in the 50 states and the eight foreign departments but to travel overseas to Europe, Central America and the Far East where we also have Legion Posts, by the way, in order to assess the state of our foreign relations and national security.

I have come here to Nevada almost directly from Washington, D.C., where I attended the inaugural festivities last week. Just before Christmas I spent most of December touring the Far East and the Pacific Rim. So I'd like to tell you of a few of my impressions I got during my recent travels, and how I think what I learned may affect veterans, and indeed all Americans, in the near and long-term.

First of all, I feel I should point out what some of you may already know that the American Legion by tradition is not political, does not and never has endorsed any

political party or candidate, nor any specific nominee or holder of an elected or appointed office. We do, however, develop and maintain positions and policy on various matters that are germane to the principles and programs of the American Legion.

First and freshest in my travel memory are the scenes and impressions of the presidential inauguration last week in the nation's capitol. I attended the ceremony as President Bill Clinton took the oath of office at the U.S. capitol. Needless to say it was an impressive event. We hosted the Veterans' Ball at the Capitol Hilton Hotel, one of the 11 official inaugural balls which the American Legion traditionally hosts in honor of the nation's Medal of Honor winners. Maybe it wasn't quite the MTV ball but it was grand and the representatives of all the veterans' organizations were there and the heroes who wear the sky blue ribbon and medal around their neck were honored by the presence of the President of the United States, the Vice President of the United States and their wives. I might say the four of them came to that ball early in the evening while they were still fresh. General Colin Powell turned to me as they came in and he said, "My heaven at this point in time they got ten more to make and I don't know how they are going to make it through the day."

As you know, President Clinton is not a veteran. Veterans rightfully have taken a "wait-and-see" attitude as to just what he will do on behalf of the nation's 27 million living men and women who served their country in uniform, and the millions more who died either in its defense or afterwards. However, when presidential candidate Clinton spoke to the American Legion's National Convention in Chicago last August, he addressed many of the issues veterans consider very important, and promised to honor our service with deeds, not words. He also promised to appoint not a new Secretary of Veterans Affairs but a Secretary for Veterans Affairs. I might say he has kept that promise. His nominee, Jesse Brown, has now been sworn in as the new VA Secretary. Jesse is a former national executive with the DAV. He has an outstanding record of ongoing service to his country, and of course, we are proud that he is also a Legionnaire. We look forward to working with him and his team at the VA to ensure that the veterans of this country continue to receive the care and service they have earned. We expect the new Secretary will devote his early efforts to those areas which demand the greatest attention.

The first important matter, in our view, is budgetary. Fiscal planners must evaluate those programs which really have contributed to the current fiscal mess in our country. Although a major portion of the increasing national budget deficit is due to the ever escalating costs of health care to the citizens of this nation, the VA has not been a contributor to the budget problems and should not be victimized by some sweeping budget plan which might apply indiscriminate across-the-board cuts in entitlements.

The Department of Veterans Affairs Health Administration operates the largest hospital and health care system in the nation. Most visible is the VA's network of nearly 200 hospitals, outpatient clinics, domiciliaries and other facilities which deliver some sort of health care to the nation's veterans. There is a VA Medical Center in Reno, and a clinic in Las Vegas. Just as the hospital in Reno is in need of replacement, so are many others.

For ten years, the system has been plagued by fiscal problems. More and more money has been required to deliver and care for fewer and fewer veterans. The annual appropriations have been barely adequate to keep the system afloat and the increases have not allowed for the shrinking value of the health care dollar. Therefore, VA has had to impose tight restrictions on access to the system. Although it is trying to do more with less, the result is a virtual rationing of care. More and more veterans who need and deserve health care have been excluded by a complex maze of eligibility requirements. Many of these are older veterans, who are often the sickest, and the group is growing in numbers.

The entire situation and system is at a critical point. Its survival may be in jeopardy. The American Legion, which was instrumental in the establishment of the VA in the first place and recently its elevation to Cabinet level status, has developed a proposal to reform the VA health care delivery system and simplify the eligibility requirements so more veterans can use the system if they want to. We also believe that Medicare and other federal health care payors should be permitted to reimburse VA for the cost of care it provides eligible veterans.

The VA health care system is the only federal health care delivery system we have in this country. Despite its problems, it has brought innovations which have been applied throughout the practice of medicine. The American Legion believes it should be preserved as a national asset and must be included in any future discussion and planning of national health care reform.

Now, what does all this mean to you here in Nevada? What if the system didn't exist? What if there wasn't a VA hospital in Reno or a clinic in Vegas? Who would take care of Nevada's 147,000 veterans, 26 percent of whom are over 65 years of age? Where would they go for medical care and who would pay for it? State or local government?

The federal government poured over $146 million into Nevada in just a single year, in 1990, which is the most recent year we have figures for. That total covers VA expenditures in this state for veterans health care, facilities, compensation and pensions. Of course, Nevadans pay a portion of that in their federal income tax dollars but consider the payback on those tax dollars in terms of money put back into the state's economy due to veterans benefits. Much of that money goes back to the local economy for housing, food, clothing, and autos. I think you'll agree when you add up the roll-over effect, it's a very, very wise investment.

The other major observation I want to share with you today comes from my tour of the Far East this last month. I visited the Philippines, Taiwan, Korea and Hawaii to observe America's interests in the Pacific Rim. I came away convinced, more than ever, that the American people must maintain a forward military presence in this part of the world. In the Philippines, I had the honor of meeting with President Ramos, who immediately pointed out the United States was not to blame for the Philippine Senate's decision to close down U.S. military installations. When the American flag was lowered at Subic Bay Naval Station and the other installations that we held there last November, it also lowered the curtain on nearly a century of U.S. military presence in the Philippines, dating back to the Spanish-American war. U.S. operations such as Subic Bay annually pumped more than $344 million into the Philippines. One cannot help but wonder what will become of the already battered Philippine economy now that they lose this. As far as our national security interests are concerned, our increased military presence in Singapore and Okinawa at the invitation of those host governments, will help us maintain what we lost in the Philippines.

Then I traveled to Taiwan, a country with a booming economy and a robust work force. An interesting and largely unknown fact about this tiny island nation is that it does in fact carry on a vital and ongoing trade relationship with the Peoples Republic of China. I can tell you that Taiwan still is a trustworthy ally to our interests. They are very grateful that Congress recently approved their request to buy F–16 fighters from us. They will help us in that part of the world should it become necessary.

I then went into South Korea. Not only did I have the privilege of meeting with our top diplomatic corps, but I had the honor to meet with the men and women who serve our people and our nation so admirably. From top generals to lowly privates, they are committed to their mission and their morale is top-notch. As I looked into the bleak landscape of North Korea above the DMZ, I couldn't help but wonder about the future of one of the last bastions of communist rule in this entire world. There is a lot of talk that Korea might unify one day. It's on everyone's mind, both North and South. It could be a costly decision for South Korea, which has emerged not only as a leading U.S. ally in the Pacific Rim but also as a great economic power.

In Hawaii, I met with Admiral Charles Larson, Commander-in-Chief of the Pacific fleet. I also met with Army Major General Thomas Needham, Chief of the Joint Task Force Full Accounting for U.S. MIA's and POW's in Southeast Asia. I also saw the U.S. Army's Central Identification Laboratories. Since I returned, the Senate Select Committee on POW-MIA Affairs has issued its final report. While they learned much more than had been known previously, and Vietnam apparently has been more forthcoming with evidence and information about missing Americans, the Legion believes the Committee quit too soon, and left too many questions unanswered.

The American Legion is not opposed to the eventual lifting of the trade embargo or normalization of relations with Vietnam. But we think the evidence in the Committee's

report does not justify such actions at this particular time. As long as there is the possibility that there is one American POW still alive in Southeast Asia, the American Legion will not consider this issue resolved. To sum up my trip to the Far East, I came home convinced more than ever that America must maintain a forward military presence in the Pacific Rim as essential to our security interests and those of our friends throughout the region.

I am also of the mind that the world in general is still a very dangerous and unstable place. Witness the necessity to again impress upon Saddam Hussein that he lost the "mother of all battles," and put an end to his "cheat and retreat" tactics in defiance of U.N. resolutions. Witness the chaotic and cruel situation that exists in the Balkans and the instability in the various independent states which were once the Soviet Union. Witness the fact that the U.S. forces of Operation Restore Hope are bravely serving in harm's way to simply give aid and comfort to thousands of Somalis who are starving to death.

We sincerely hope that the President of the United States be guided by the Almighty and by wise advisers in the conduct of this nation's national security and foreign policy, and that he allows and permits professional military men to handle any military operations as was done during the Persian Gulf War. The American Legion continues to believe that America must always maintain a strong national defense posture, not to pursue war, but to preserve peace. The nation's leaders and military planners should proceed cautiously with any down sizing of the military establishment. This is definitely not the time to reduce our armed forces too far, too fast.

You know, my visit to the DMZ and seeing the icy, expressionless stares of the soldiers who wear the uniform of the North Korean Army is quite a contrast to the pageantry, patriotism and upbeat atmosphere I witnessed at that once-every-four-years miracle of American democracy that permits us to change our national leadership, if we choose, without violence or upheaval and get on with our lives in this, the greatest country on earth.

Watching the inauguration ceremony and the parade, with all the young people, and the bands, and so many American flags, brought it all home to me once again. I remembered a September day nearly six decades ago when I watched row after row of American flags being carried by stiff-backed men in blue caps all marching in step down Euclid Avenue in Cleveland, Ohio. This was the 1936 National Convention Parade of The American Legion. Although it wasn't his town, Mayor Fiorello LaGuardia, a member of New York Post 743, led New York City's finest down Euclid Avenue. Drums were beating and bands were playing as more than 600,000 people turned out to watch the Legionnaires of that day go by. At the end of the parade, a crowd gathered outside the old Municipal Auditorium to listen to crooner Rudy Vallee, who also was a Legionnaire, sing patriotic songs. Although I was only ten years old then, I knew I was witnessing something greater than just flags, floats and bands. I was viewing pure, unabashed, patriotic Americanism on parade.

What is this thing called Americanism? It's not just waving a flag or singing songs or shouting slogans. Americanism is having a special pride in your country and a real love of America. Americanism is loving the flag and believing and practicing all the fine ideals and traditions represented on that field of red, white and blue. Americanism means appreciating and guarding our personal liberties, which also means we respect what the other guy has to say or believes even when we don't agree with it.

In the heat of our battle to secure a constitutional amendment to protect the U.S. Flag from physical desecration a campaign incidentally we are still waging. Legionnaires are careful to seek an amendment that would not affect citizens' right to free speech.

Incidentally, I want to once again commend the Nevada Legislature for being the first in the nation to pass a resolution memorializing the United States Congress to enact legislation proposing a constitutional amendment to protect the flag. Your action came almost exactly two years ago. Since then, 27 more states have followed your lead. We are closing in on that magic number of 38, the required two-thirds to demonstrate that such an amendment is desired by an overwhelming majority of Americans and in fact, can be ratified.

The American Legion observes February of each year as Americanism month. There is no finer example of Americanism than the more than 4.1 million members of The American Legion, The American Legion Auxiliary, and The Sons of The American Legion. They represent the very fabric of mainstream America. They care about the quality of life and the future of their communities, their states, and of this great nation.

Certainly, I know that you who choose to perform public service as elected representatives of those people share those same standards and ideals. Listen to the veterans in your districts, and all across the State of Nevada. Learn what is on their minds, not only about veterans' issues but about most of the concerns we all have. I believe that by working together, we can keep this country on track. We can renew and re-emphasize the values it was built on. And by doing so, we will insure that America continues to be the greatest nation on the earth. Thank you all. God bless you. God bless America.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 5, 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 79, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Price, Dini, Arberry, Sader, Porter, Bennett, Wendell Williams, de Braga, Scherer, Carpenter, Freeman, Chowning, Bache, Giunchigliani, Anderson, Petrak, Kenny, Toomin, Smith, Segerblom, Gregory, Myrna Williams, Regan, Neighbors, Augustine, Gibbons, Haller, Tiffany, Garner, Bonaventura, Ernaut, Evans and McGaughey:

Assembly Joint Resolution No. 11—Proposing to amend the Nevada constitution to provide for limited annual legislative sessions.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 4, and section 2 of article 4 of the constitution of the State of Nevada be amended to read respectively as follows:

Sec. 29A. 1. In each even-numbered year, the Legislature shall adjourn sine die each regular session not later than midnight in the Pacific time zone 60 calendar days following its commencement. Any legislative action taken after midnight in the Pacific time zone on the 60th calendar day is void, unless the legislative action is conducted during a special session convened by the Governor.

2. In each odd-numbered year, the Legislature shall adjourn sine die each regular session not later than midnight in the Pacific time zone 90 calendar days following its commencement. Any legislative action taken after midnight in the Pacific time zone on the 90th calendar day is void, unless the legislative action is conducted during a special session convened by the Governor.

Sec. 2. The sessions of the Legislature shall be [biennial,] *annual,* and shall commence on the 3rd Monday of [January next ensuing the election of members of the Assembly,] *February,* unless the Governor of the State , [shall,] in the interim, [convene] *convenes* the Legislature by proclamation.

And be it further

RESOLVED, That section 12 of article 17 of the constitution of the State of Nevada be repealed.

TEXT OF REPEALED SECTION

Sec: 12. First biennial legislative session to commence in 1867. The first regular session of the Legislature shall commence on the second Monday of December A.D. Eighteen hundred and Sixty Four, and the second regular session of the same shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Six; and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Seven; and the regular sessions of the Legislature shall be held thereafter biennially, commencing on the first Monday of January.

Assemblyman Price moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 147—An Act relating to contractors; exempting certain works by general improvement districts from the provisions governing the licensing and regulation of contractors; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Petrak, Dini, Carpenter, McGaughey, Smith, Augustine, Gibbons, Chowning, Giunchigliani, Humke, Toomin, Myrna Williams, Freeman, Bennett, Marvel, Neighbors, Bonaventura, Hettrick, Heller, Perkins, Segerblom, Ernaut, de Braga, Kenny, Garner, Price, Bache, Arberry, Collins, Gregory, Evans, Spitler, Porter, Sader, Wendell Williams, Regan, Haller, Anderson and Lambert:

Assembly Bill No. 148—An Act relating to insurance; requiring each policy of insurance for liability for a motor vehicle to include a provision for the reduction of the premium if the vehicle is equipped with an air bag; and providing other matters properly relating thereto.

Assemblyman Petrak moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Scherer, Evans, Gregory, Anderson, Bennett, Hettrick, Sader, Dini, Gibbons, Marvel, Schneider, Heller, Humke, Chowning, Tiffany, McGaughey, Lambert, Freeman, Petrak, Carpenter, Porter, Spitler, Price, de Braga, Collins, Regan, Augustine, Bonaventura, Segerblom, Perkins, Arberry, Garner, Smith, Bache, Myrna Williams, Giunchigliani, Kenny, Toomin, Wendell Williams, Ernaut and Neighbors:

Assembly Bill No. 149—An Act relating to industrial insurance; providing that the attorney general has primary jurisdiction to investigate and prose-

cute certain violations relating to industrial insurance; requiring the attorney general to establish a fraud control unit for industrial insurance; and providing other matters properly relating thereto.

Assemblyman Scherer moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By Assemblymen Giunchigliani, Price, Gibbons, Myrna Williams, Toomin, Bache, Chowning, Segerblom, Bennett, Anderson, Haller, Kenny, Hettrick, Gregory, Ernaut, Neighbors, Carpenter, Arberry, Heller, Augustine, Bonaventura, Regan, Collins, McGaughey, Spitler, Tiffany, Evans, Humke, Schneider, Smith, Petrak, Garner, de Braga, Freeman, Lambert, Marvel, Perkins and Dini:

Assembly Bill No. 150—An Act relating to the state legislature; requiring the legislative counsel to prepare a synopsis of each bill drafted for submission to the legislature; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblymen Giunchigliani, Gibbons, Myrna Williams, Toomin, Scherer, Bache, Chowning, Segerblom, Bennett, Anderson, Haller, Evans, Kenny, Gregory, Arberry, Augustine, Regan, Schneider, Bonaventura, Petrak, Freeman, Perkins and Wendell Williams:

Assembly Bill No. 151—An Act relating to emissions from motor vehicles; requiring the state environmental commission to adopt a program to control emissions from motor vehicles in all counties; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen Giunchigliani, Price, Gibbons, Myrna Williams, Toomin, Chowning, Bennett, Bache, Segerblom, Anderson, Haller, Evans, Kenny, Gregory, Ernaut, Neighbors, Carpenter, Arberry, Regan, Spitler, Scherer, Schneider, Sader, Smith, Petrak, de Braga, Freeman, Lambert, Garner, Marvel, Perkins, Porter, Wendell Williams, Tiffany and Dini:

Assembly Bill No. 152—An Act relating to public improvements; authorizing counties and cities to finance projects on behalf of corporations for public benefit and projects for affordable housing through the issuance of certain revenue bonds; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Concurrent Committees on Government Affairs and Taxation.

Motion carried.

By Assemblymen Giunchigliani, Price, Gibbons, Myrna Williams, Toomin, Scherer, Chowning, Segerblom, Bache, Bennett, Anderson, Haller, Evans, Kenny, Hettrick, Gregory, Neighbors, Carpenter, Arberry, Hel-

ler, Augustine, Regan, Collins, McGaughey, Spitler, Tiffany, Humke, Schneider, Sader, Smith, Petrak, de Braga, Freeman, Lambert, Garner, Marvel, Perkins, Porter, Wendell Williams and Dini:

Assembly Bill No. 153—An Act relating to the coordination of governmental functions; directing state and local agencies which collect fees, taxes or information to coordinate their collection; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Smith, Petrak, Bache, Freeman, Collins, Garner, Gibbons, Ernaut, Augustine, Perkins, Hettrick, Toomin, Wendell Williams, Kenny, Gregory, Bonaventura, Regan, Anderson, Haller, Carpenter, Porter, de Braga, Segerblom, Neighbors, Bennett, Arberry, Evans, Myrna Williams, Chowning, Lambert, Spitler, Heller, Marvel, Giunchigliani, Dini, Sader, McGaughey, Humke, Price and Scherer:

Assembly Bill No. 154—An Act relating to the transportation of pupils; requiring school buses to be equipped with mechanical devices that require persons to walk at a certain distance in front of the buses; and providing other matters properly relating thereto.

Assemblyman Smith moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 74.

Bill read second time, ordered engrossed and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 155—An Act relating to motor vehicles; authorizing the department of motor vehicles and public safety to issue special license plates and registration certificates for fire trucks; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 156—An Act relating to vehicles; authorizing the department of motor vehicles and public safety to issue a temporary permit to operate an unregistered vehicle to a short-term lessor of the vehicle; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 157—An Act relating to motor vehicles; prohibiting the department of motor vehicles and public safety from charging a fee for the reinstatement of a driver's license under certain circumstances; eliminating the restriction on the maximum time for which a driver's license may be suspended; revising various provisions relating to proof of financial responsibility and proof of security; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 158—An Act relating to the control of floods; limiting the use of money by a district for the control of floods for certain off-site improvements; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 159—An Act relating to the legislature; establishing a legislative committee to conduct an interim study of the laws relating to the disclosure of information in real estate transactions; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Wendell Williams, Evans, Arberry, Anderson, Porter, Lambert, Bennett, Garner, McGaughey, Neighbors, Bache, de Braga, Kenny, Segerblom, Myrna Williams, Gibbons, Price, Chowning, Smith, Gregory, Petrak, Hettrick, Heller, Perkins, Bonaventura, Regan, Collins, Spitler, Dini, Schneider, Ernaut, Carpenter, Humke, Scherer, Sader, Tiffany, Freeman, Marvel, Giunchigliani, Toomin, Haller and Augustine:

Assembly Concurrent Resolution No. 7—Memorializing retired Supreme Court Justice Thurgood Marshall.

WHEREAS, The members of the Nevada Legislature were deeply saddened by the death on January 24, 1993, of retired Supreme Court Justice Thurgood Marshall; and

WHEREAS, Thurgood William Marshall was born on July 2, 1908, in Baltimore, Maryland; and

WHEREAS, Thurgood Marshall received his Bachelor's Degree *cum laude* from Lincoln University in 1930 and his Bachelor of Laws Degree from Howard University Law School in 1933, where he was first in his class; and

WHEREAS, The great-grandson of slaves, Thurgood Marshall became indignant at the prejudices he encountered while growing up, including, not being able to enroll at his local public school or in the University of Maryland Law School; and

WHEREAS, When Thurgood Marshall became chief legal counsel for the Legal Defense Fund of the National Association for the Advancement of Colored People in the 1930s, he gained the opportunity to challenge racism in the courts and did so successfully for the next two decades; and

WHEREAS, Thurgood Marshall was the attorney who argued the landmark school segregation case of *Brown vs. Board of Education* before the Supreme Court, on May 17, 1954, in which the Supreme Court reversed long-standing case law and ruled that segregation was "inherently unequal"; and

WHEREAS, Thurgood Marshall gained the admiration and respect of all Americans as a man of wisdom and in 1967 President Johnson nominated him associate justice to the Supreme Court, and with his acceptance, Thurgood Marshall became the first black man to hold a seat on the Supreme Court; and

WHEREAS, During the next 24 years, as Justice of the Supreme Court, Thurgood Marshall inspired our country to fight for the civil rights and equal opportunities for all Americans, regardless of color; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature note the loss of Supreme Court Justice Thurgood Marshall with profound sorrow; and be it further

RESOLVED, That Thurgood Marshall has rightfully earned an esteemed position in American history for his life-long commitment to protect the equal rights of all; and be it further

RESOLVED, That Justice Thurgood Marshall will forever be remembered as a man with a dream of equal justice for every citizen of America and a man who fought for his dream by upholding the ideals of the Constitution of the United States; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to his wife and companion of 37 years, Cecilia.

Assemblyman Wendell Williams moved the adoption of the resolution.

Remarks by Assemblymen Wendell Williams, Anderson, Evans and Myrna Williams.

Assemblyman Wendell Williams requested that the following remarks be entered in the Journal.

ASSEMBLYMAN WENDELL WILLIAMS:

Thank you, Mr. Speaker. Thurgood Marshall was a man that understood what America's greatest challenge was, living up to the standards that we all believe in. He understood the challenge America placed on him was a great one which is living up to the tenets of the Constitution of America. America challenged itself more so than any other nation in this world when it said, "All people, men and women, have the right to the pursuit of life, liberty and, of course, the pursuit of happiness."

Marshall understood that saying those words was not as important as living those words. He understood if America is to be what it ought to be, we as Americans must strive and continue to strive to be all that we can be. People who live careless lives are often spoken of but people who live committed lives and lives of courage are people whose lives are remembered and whose lives are emulated. That is the type of life that former Justice Thurgood Marshall lived.

Marshall didn't really challenge America as much as he challenged himself to help America. I think that is the lesson we can all live and learn from the life of Thurgood Marshall. He should not be remembered so much as being on the Supreme Court as he should be remembered for what he did for himself and this nation. He understood for America to be better we all have to be better.

Today as we memorialize this great American we should not really be saddened by his death as much as we should be remindful and joyful of the legacy that he will leave not only for generations today but for generations to come. It is often said, Mr. Speaker, that ships are safe in harbors but that is not what ships are made for. Ships are made to sail and face the unquestionable and uncertainties that lie ahead. We as people sometime must function not as ships and get away from our harbors and sail out to make America better. I think that is the example Thurgood Marshall left for us. So wherever he is today as I stand to support this resolution, I can say I love him not for what he has done as a professional and for himself but for what he has done for us to live in this nation in the years to come. I would urge my colleagues to also support this resolution. Thank you, Mr. Speaker.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I wish to join my remarks with those of my esteemed colleague of District 6. Mr. Speaker, I rise in support of this resolution.

Thomas Jefferson once said that, "The only true safety for democracy rested with an educated population." Thurgood Marshall was a hero for me because he represented that promise of democracy when he argued the case of *Brown vs. the Board of Education of Topeka, Kansas* in 1954 and overturned the *Plessey vs. Ferguson* "Separate but Equal" doctrine and held out the promise of education to millions of Americans and millions of Americans unborn. His was a life that shows each individual can raise the quality of life for all, that equality like justice is a goal to be achieved, a standard to be guarded. Justice Marshall's life makes us all more aware that the struggle for human rights rests with all of us each and every day. I think that there can be no greater honor than to rise for such a man again when they talk of Justice Marshall. There are two Marshalls that they can refer to each standing in excellence.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I too rise in support of ACR 7. Justice Marshall was an inspiration to many of us. I recall some years ago when my children were growing up watching a television documentary on the *Brown vs. Board of Education* decision and on the civil rights movement that my children sat in utter disbelief that there was a time in our country when white children and black children could not attend school together and participate in a host of other activities. I think that so much was done during the 50s and 60s, the era of civil rights, that we sometimes think it is all done but I think events of the recent past stand as a stark reminder that much remains to be done. So in honor to and in tribute to Justice Marshall, a man of conscience and conviction, we too must renew our pledge to promoting civil rights and to search our conscience and to have the convictions to do the right thing.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I too rise in support of ACR 7. I certainly join in all the remarks that preceded me. I thought it was rather interesting as I listened to a gentleman interview Justice Marshall shortly before he died and he talked to Justice Marshall about *Brown vs. Board of Education* as being the most important accomplishment of his life. Justice Marshall said, "No, it wasn't." I am reminded of that as I look around this room because if it were not for Justice Marshall many of us would not be sitting here because in 1954, Justice Marshall challenged an all white, male primary and won. As a result of that, he considered that the crowning accomplishment of his life. As a result of that, he added greatly to the richness of the American political scene and the decisions that are made today in chambers like this across the country because we owe our diversity to Justice Marshall's courage at a time when it took enormous courage to make the kind of challenge he made. It is indeed an honor to be able to stand in support of ACR 7.

Resolution adopted unanimously.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:51 a.m.

ASSEMBLY IN SESSION

At 12:06 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Education:

Assembly Concurrent Resolution No. 8—Urging the State Board of Education to modify the methods of testing and instructing pupils in mathematics and urging the State Board of Education to expand the curriculum offered to pupils in this state.

Assemblyman Wendell Williams moved that the resolution be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Concurrent Resolution No. 9—Directing the Department of Education to conduct a study concerning the tracking of the academic histories of pupils in the public schools of this state.

Assemblyman Wendell Williams moved that the resolution be referred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Carpenter, de Braga and Smith:

Assembly Bill No. 160—An Act relating to city councils; increasing the number of councilmen authorized for a city of the third class; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 161—An Act relating to mobile home parks; prohibiting, under certain circumstances, the disclosure of information obtained pursuant to an investigation of a complaint alleging a violation of the provisions governing mobile home parks; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 162—An Act relating to public works projects; revising the provisions governing the establishment of eligibility for the preference given to local contractors for public works projects; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 163—An Act relating to mobile home parks; expanding the authorized use of the money in the trust fund for low-income owners of

mobile homes to include the payment of the costs of moving mobile homes under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 164—An Act relating to insurance for health care; requiring that benefits which are paid for health care services provided by a governmental agency must be paid at a rate not less than the average rate paid to nongovernmental providers of health care for similar services; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Collins, Bache, Regan, Price, Giunchigliani, Perkins, Schneider, Kenny, Anderson, Gregory, Humke, Heller, Scherer, McGaughey, Chowning, Tiffany, Smith, de Braga, Hettrick, Bennett, Petrak, Arberry, Garner, Gibbons, Bonaventura, Neighbors, Marvel and Augustine:

Assembly Bill No. 165—An Act relating to industrial insurance; eliminating the exemption from the provisions of the industrial insurance law for certain employers and their employees who are hired outside of this state to work temporarily in this state; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that the vote whereby Assembly Bill No. 151 was referred to the Committee on Natural Resources, Agriculture and Mining be rescinded.

Motion carried.

Assemblyman Giunchigliani moved that Assembly Bill No. 151 be referred to the Committee on Transportation.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Augustine, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Hal Beesley.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Jeanine Keese, Julie Horton, Jill Urban, Messrs. Seigurd VanDerWall, Richard Schmaltz and the following students from Shepherd of The Mountains School: Sharon Val-

leskey, Emily Schiessl, Kristine Foster, Cara Nero, Lisa Champion, Karla Valleskey, Megan Urban, Elaine VanDerWall, Sam VanDerWall, Brad VanDerWall, Windham Wren, Dustin Terrian, Jacob Keese and Ben Wren.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Stan L. Wallis.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Richard Minnear and Mrs. Dee McGinness.

On request of Assemblyman Toomin, the privilege of the floor of the Assembly Chamber for this day was extended to Rabbi Mel Hecht and Rebbetzen Micki D. Hecht.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, January 27, 1993 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:11 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE TENTH DAY

CARSON CITY (Wednesday), January 27, 1993

Assembly called to order at 10:33 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Haller and Scherer, who were excused.

Prayer by the Chaplain, Assemblyman Val Garner.

Father in Heaven we humbly bow our heads before Thee at the beginning of this legislative session and this legislative day and we are grateful Father for all the blessings that Thou hast given us. We pray that Thou will bless each of us; especially that Thy blessings will be with Assemblyman Haller in his recovery. We pray that Thou will bless each of us in our health, those who work here on the front desk and those of us who serve in legislative positions. We are grateful for the moisture that Thou has sent. We are grateful for the responsibility that we have and we pray that Thou will help us to be up to the task that lies ahead; that we will be able to fulfill our obligation, achieve those things that we have come here to do, and we ask this prayer humbly praying that Thou will bless us as we work on this day, as we address the critical issues of the State. We say this in the name of the Messiah. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 54, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 166—An Act relating to the City of Reno; changing the time for the election of certain officers of the City of Reno; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 5.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 2.

Amend section 1, page 1, by deleting lines 5 and 6 and inserting: "the circumstances affecting his".

Amend section 1, page 1, between lines 18 and 19, by inserting:

"*(d) Information concerning whether he has an obligation for the support of a child, and if so, whether he is in arrears in payment on that obligation;*".

Amend section 1, page 1, line 19, by deleting "*(d)*" and inserting "*(e)*".

Amend section 1, page 1, line 21, by deleting "*(e)*" and inserting "*(f)*".

Amend section 1, page 1, line 24, by deleting "*(f)*" and inserting "*(g)*".

Amend sec. 2, page 2, by deleting lines 31 through 34 and inserting:

"*4. If the court determines that a defendant is otherwise eligible for probation, the court shall when determining the conditions of that probation consider the imposition of such conditions as would facilitate timely payments by the defendant of his obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.*".

Amend the title of the bill by deleting the third and fourth lines and inserting: "child; requiring a district judge to consider imposing conditions of probation which would facilitate the payment by the defendant of his obligation for the support of a child; and providing other".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 6.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1.

Amend section 1, page 1, by deleting lines 13 through 15 and inserting:

"4. [This] *When a vehicle enters an intersection controlled by a traffic-control signal which is inoperative at the time the vehicle enters the intersection, the driver of the vehicle shall proceed as if a stop sign had*".

Amend section 1, page 1, line 20, by deleting "*each*" and inserting "*the*".

Amend the title of the bill, second line, by deleting "not functioning;" and inserting "inoperative;".

Amend the summary of the bill, second line, by deleting "not functioning." and inserting "inoperative.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 79.

Bill read second time, ordered engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 74.

Bill read third time.

Remarks by Assemblyman Bonaventura.

Roll call on Assembly Bill No. 74:

YEAS—40.

NAYS—None.

Absent—Haller, Scherer—2.

Assembly Bill No. 74 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

SPECIAL ORDERS OF THE DAY

The hour of 10:45 a.m. having arrived, vetoed Assembly Bills Nos. 130, 290 and 491 of the 66th Session were considered.

Vetoed Assembly Bill No. 130 of the 66th Session.

Bill read.

Governor's message stating his objections read.

STATE OF NEVADA

EXECUTIVE CHAMBER

CARSON CITY, NEVADA 89710, July 5, 1991

THE HONORABLE CHERYL LAU, *Secretary of State*, Capitol Building, Carson City, Nevada

DEAR SECRETARY LAU:

I am herewith forwarding to your office, for filing within the Constitutional time limit, and without my approval, Assembly Bill No. 130 entitled:

An act relating to state employees; authorizing collective bargaining for certain employees in the classified service of the state; and providing other matters properly relating thereto.

My veto of this bill should in no way be construed as opposition on my part to the concept of collective bargaining for Nevada's state employees. In fact, collective bargaining is in place and works at the Federal government level, at the local county and city governmental level as well as for state employees in other states. Public sector collective bargaining is not bad; however, this bill is.

I have two major policy concerns with Assembly Bill No. 130. The first is the provision of the bill that requires the governor or a person designated by the governor to negotiate with an employees' organization which has been designated as the exclusive bargaining agent over wages and benefits for employees with a bargaining unit. Wages and certain benefits are, of course, a major part of the budget package which is submitted by the governor for legislative review and approval every two years. In preparing that budget, the governor must carefully balance the needs of the state and its citizens, including wage increases for our state employees, with available revenue sources over the upcoming biennium. I believe that the lengthy process of preparing a budget, both at the executive and legislative branch levels, should be free of the collective bargaining process.

My other major concern is that neither of the legislative money committees reviewed this bill. Section 12 of the bill provides for direct negotiation between an exclusive bargaining agent and the head of each state department under certain circumstances. If the parties in the negotiations are unable to reach an agreement, either party may submit the dispute to arbitration with each party paying half the cost of the arbitration.

This cost could have a major impact on an agency's budget, an impact which was not considered by me in submitting my proposed budget to the legislature or apparently by either the Senate Finance Committee or Assembly Ways and Means Committee in their final approval of the budget.

In vetoing this bill, I want to make it clear that I believe that input from employees and employee organizations is valuable to, and a valuable part of, the administration of the executive branch of government. However, not all of that input is appropriate for collective bargaining. It is my intention to designate a representative of my office to meet with representatives from state employee organizations over the interim to determine if there are personnel policies and practices and matters affecting the working conditions of state employees which we can all agree may be appropriate for collective bargaining and which could be jointly recommended as proposed legislation to the 1993 legislature.

Sincerely,

BOB MILLER
Governor

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblymen Collins, Heller, Price, Carpenter and Porter.

Assemblyman Regan requested that the following remarks be entered in the Journal.

ASSEMBLYMAN COLLINS:

Mr. Speaker, I want to start off by complimenting the 1991 Legislature for passing A.B. 130. I want to say the most prosperous time in America was from 1946 to 1979 which time period parallels the time in America when we had the largest number of people represented in this country by collective bargaining. Collective bargaining is a freedom that, I believe, the state employees of Nevada deserve. I hope that we will approve the bill. Thank you.

ASSEMBLYMAN HELLER:

Thank you very much, Mr. Speaker. I also stand in opposition to this veto. Eighteen months ago when the Governor decided to veto this particular measure, the association got together and picketed out in front of the Governor's office. Through my office I saw the picketing going on and I walked over and joined that particular picket line, probably to the surprise of some of my colleagues and constituency. I did that for a particular reason and I would like to share a couple of those reasons with you today.

Here as a body we get together every two years and we spend six months going through this budget and we make substantial changes. I have a feeling we are going to make some substantial changes this time during this session, and then we rely on state employees to take the information that we have given them, and give them the function to extrapolate the changes that we have made in this budget and all the problems that go with it. I think they do a tremendous job and should be commended for doing so. I think what is going on and what we are hearing out there from the associations is that they are tired of being treated as second-class citizens and I don't blame them.

If you take a look at all the cities and counties in this state, if you take a look at higher education, K through 12 system, if you look at our police and fire associations, every one of them have their own collective bargaining units. Yet the state employees in this state are not allowed to. I think this is an issue of fairness.

The second reason for my concern is, of course, some of the stories I hear of the alternatives that are going to be facing us this session. One of the alternatives, I am understanding, is what we are essentially going to be doing is splintering the association into different bargaining groups. The union in definition in itself is one voice, and I think that if we allow the association to be splintered in so many different groups they will not be heard, they will be divided, they will be conquered and they will never have a say in the process of what goes on in state government and for those two reasons I will be voting to support A.B. 130 and voting against the veto.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you to this honorable body, I rise to speak on the affirmative to override the veto of our Governor. I am reminded of the saying, "That politics has strange bedfellows." These halls have lifelong friends in organized labor and other pursuits that are on different sides of this particular issue.

I would like to read you a list: Alaska, California, Connecticut, Delaware, Florida, Hawaii, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, and normally in that list would come Nevada but it is not here, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin; a list compiled by the Commerce Clearing House in 1988. I am not sure what states have since authorized collective bargaining in one form or the other for their trusted state employees.

We in America live by the Constitution that I hold in my hand that gives us the right to "Promote the general Welfare, and secure the Blessings of Liberty to ourselves." We respect, revere and we are created after the Declaration of Independence where we sought separate and equal stations in life. Some of you know and some of you do not know I have spent most of my adult life representing employees through the union. I am an electrician by trade and I came up as a construction electrician, have negotiated many contracts on both teams and later had the most esteemed privilege of being elected by my particular union, The International Brotherhood of Electrical Workers, as what is termed, the Financial Secretary Business Manager, who is the person responsible for maintaining and bargaining for, at that time, some 32 contracts.

One of the complaints that I've heard and we all have heard about the particular version of this bill, A.B. 130, is that it does not provide for bargaining units. It provides, with the exception of law enforcement and so forth, generally, for state employees as a total class all the way up through some supervisory positions perhaps to be represented by a union, if in fact a union could get a majority of the state employees to sign up and agree to be represented. I again have that unique experience because of the nature of our union and the five contracts I had to negotiate, represent, bargain for a total class of people from secretaries all the way through linemen. I even negotiated for Tom Collins at one time and electricians and a certain level of supervisors.

In the construction trades, negotiating in contract terms for supervisors is very common. In the construction trades, electricians, plumbers, and so forth, we negotiated for the worker, foreman and general foreman of a project. Most often we do not negotiate for the actual project supervisor but in many cases the supervisors themselves are members of the union.

The right to collective bargain is not a constitutional right but it was a right that was first afforded Americans through the passage of the Wagner Act in 1935. We are talking seven decades ago. For seven decades Americans, first in the private sector, and then in the public sector have been allowed to have some say so about the terms and conditions at their work place where they spend a great part of their hours, as a matter of fact, probably the majority of their working hours in many cases.

There is somewhat of a movement today that belittles public service. There are many people across this great nation that have little respect for politicians, bureaucrats, public employees and the like and I am hoping with the new morning, this may sound a little precipitous but at least our President talked about perhaps trying to get that turned around for all people, and it has nothing to do with party affiliation.

A retired senator from Nevada, is it appropriate to mention names Mr. Speaker? A very knowledgeable and to me beloved senator from Fallon, I believe, years ago authored and put together the first collective bargaining bill for general public employees for county, city, firemen and so forth. It was an act and it bears his name. I won't tell you what it is but you can find it in our history. That gentleman, that senator had in his heart the right intentions and he opened the door and he allowed hundreds of thousands of employees the same right others have across the United States.

We have amended that bill many times over the years. Employees found problems with it that they wanted amended. It seemed to me for awhile, almost every session we were looking at something but they had that basic right. It was something that could be corrected, amended and so forth as the times needed. I would submit to you that our friends, neighbors, our acquaintances who have chosen the honorable pursuit serving their fellow Nevadans as state employees should not be relegated to the status of second-class Americans. They should enjoy our respect, they should enjoy the dignity of equal station that was mentioned in that Declaration of Independence. They deserve the right to

pursue the improved general welfare for themselves, their families and their loved ones that is mentioned in the preamble of our Constitution. They should be allowed the same rights of collective bargaining, of having a say so in the future and the welfare of their families as hundreds of millions of Americans across this great land. We can argue over the fine points and we can make amendments and we can change, but they should be allowed those rights. They have a dream.

In 1973, Assembly Bill 418 addressed that dream but it did not get out of committee. Again in 1977, their hopes were raised through Assembly Bill 242, again, not voted out of the Senate committee. In 1979, Assembly Bill 137, again not voted out of the Senate committee. By the way, both of those bills were passed out of this house. In 1991, Assembly Bill 130 passed both houses of the legislature and I have to believe that they were probably excited and hopeful that they had achieved that dream to have the same right as hundreds of millions of other Americans across our great land. Today on January 27, 1993, at 11:02, we hold their fate in our hands. You have the power of their destiny in your individual hand and we as a body and in principle have their collective fate in our hands. I would urge you as you are balancing the future of our ten or 11,000, perhaps 11 or 12,000 friends, neighbors, loved ones and acquaintances who are asking for your help. As we weigh that against the message of our Honorable Governor, whom we on the Democratic side love and support, however, even when we do that we do not always agree. I would urge you to give our servants the rights of all of those other fellow Americans and Nevadans under the Dodge Act. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in favor of the Governor's veto of A.B. 130. I believe that employee organizations are necessary and we should have them. My main objection to this bill is that the legislature and the governor are elected by the people to do the budget process, to come up with the tax bills and to say where that money is to be spent.

I think the binding arbitration in this bill takes that power away from the legislature and governor. Binding arbitration, I think, a lot of time leads not to negotiation but to confrontation. I haven't had too much experience with this particular subject. I served as county commissioner for many years in Elko County and we had real good relations with our employees. When I got out of the county commissioners, there were bargaining units formed in both the city and the county. This spring, fall, winter whatever it is, the employees in the City of Elko had not had a contract for two years. They were denied their rights because they picked one guy and the city picked another guy, both from out of state. All these people were interested in is loggerheads. The lawyer representing the city got $180 an hour so he really didn't have any reason to settle this situation. I don't know what the guy on the other side got, but I thought, "Man, the whole city is kind of crumbling under this labor situation." I got the city people together, and we came up with a fair wage plan. This thing was settled in a matter of hours you might say. Within two weeks, these people had a contract. So my experience is that it has not worked, at least in the City of Elko.

Another thing I see wrong with this bill is this collective bargaining bill applies to the city and county and the things that are done in secret. I think that these negotiations should be open so that the people know who is on which side and who is being unfair. Having these negotiations in secret is unfair to the employees as well as to the employer. I think that Section 6 and binding arbitration is going to cost the state and the employees a lot of money and it is not going to accomplish too much. I think we have the process now where they can get down and really negotiate and come up with a wage package and the conditions that will be best for the employees and all of the citizens of this state. Thank you, Mr. Speaker.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. I rise in support of the Governor's veto of Assembly Bill 130. Both my distinguished colleagues from Assembly District 1 and Assembly District 17 have alluded to the historical precedence in collective bargaining in unions in America. It is funny that my distinguished colleague from District 17 should mention the Wagner Act because, Mr. Speaker believe it or not, when I was a law student I wanted to be a labor lawyer and spent most of my legal, educational career studying labor law. The Wagner

Act is now known as the National Labor Relations Act. The heart and soul of that is Sections 8a and 8b of which I do know something about which deals with basically an employee's right to bargain and/or grieve with his/her employer for wages, hours and other conditions of employment. An entire body of case law has now been set through different decisions by the National Labor Relations Board overturned and/or sustained by the United States Circuit Court of Appeals, where those decisions go, and ultimately ruled upon by the Supreme Court with the amendments through Taft-Hartley which has brought us to today.

The issue here is not the right to collective bargaining. I think everyone in this room would agree an employee has the right to discuss wages, hours and other conditions of employment with his or her employer. I don't think the issue here is the right to grieve. I don't think the issue is retaliation. The issue today is how best to achieve that objective.

The union contract in collective bargaining has a lot of elements to it. You are dealing with certification elections, bargaining units, representation cards, whether or not a certain number of cards of union members will force the certification election, whether or not an employer must recognize the union as a certified bargaining unit based on signature cards, whether or not a union representative can go onto the premises of the employer for the purposes of organizing, collective bargaining agreements, covered check off provisions for union dues, those members who are or are not members of the union, address yellow dog contracts, agency shop provisions and a myriad of other issues that go into the overall conceptual framework of collective bargaining.

Our Governor vetoed this bill not because he opposed collective bargaining. In fact, paragraph two of his vetoed message reads and I quote, "My veto of this bill should in no way be construed as opposition on my part to the concept of collective bargaining for Nevada's state employees." I don't think that was our Governor's problem. Our Governor's problem was how fast to achieve that objective. It's the executive branch of the government that has to negotiate this agreement. It is the executive branch that administers this law, a law that we sent to him, and he decided to exercise his constitutional right not to negotiate within the framework and the parameters that we established. I support him in that regard and I ask my colleagues to do the same but I also agree with the Governor in his last paragraph of his message where he says once again and I quote, "It is my intention to designate a representative of my office to meet with representatives from state employee organizations over the interim to determine if there are personnel policies and practices and matters affecting the working conditions of state employees which we can all agree may be appropriate for collective bargaining and which could be jointly recommended as proposed legislation to the 1993 legislature." Mr. Speaker, it is my hope that we can achieve that objective and that we can achieve it in a context of both parties that have to negotiate this agreement do so on a playing field which they are both comfortable with, so that all workers under this state's system and any other system can benefit from that kind of contract and that kind of agreement. I urge my colleagues to sustain the Governor's veto. Thank you.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

YEAS—14.

NAYS—Arberry, Augustine, Bache, Bennett, Carpenter, Chowning, de Braga, Garner, Giunchigliani, Gregory, Hettrick, Kenny, Lambert, Marvel, Perkins, Petrak, Porter, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin, Myrna Williams, Wendell Williams, Mr. Speaker—26.

Absent—Haller, Scherer—2.

Vetoed Assembly Bill No. 290 of the 66th Session.

Bill read.

Governor's message stating his objections read.

STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89710, July 5, 1991

THE HONORABLE CHERYL LAU, *Secretary of State,* Capitol Building, Carson City, Nevada 89710

DEAR SECRETARY LAU:

I am herewith forwarding to your office, for filing within the Constitutional time limit, and without my approval, Assembly Bill No. 290 entitled:

An act relating to the legislature; creating the Carson City capitol complex subcommittee of the legislative commission; and providing other matters properly relating thereto.

This bill creates a legislative subcommittee of the legislative commission consisting of five legislators. This committee is mandated to review the location and architecture of any new building, parking lot or other new structure or improvement located in the Carson City capitol complex, any additional construction to or major repairs of existing structures, and any landscaping within the complex. In addition, the bill specifically provides that the subcommittee shall participate, along with various executive branch agencies, in the planning of all significant aspects of the matters involving the capitol complex for which they are charged with reviewing.

The bill is unclear as to the scope that the subcommittee's "participation in the planning" of matters involving the capitol complex is to take. Because of this, and because of the broadness of the matters involving the capitol complex which are placed within the scope of the subcommittee's mandatory review, there exists the possibility of a significant intrusion by the legislative branch into matters which are clearly within the province of the executive branch of state government. Therefore I must veto this bill.

Sincerely,

BOB MILLER
Governor

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblyman McGaughey.

Assemblyman Regan requested that Assemblyman McGaughey's remarks be entered in the Journal.

ASSEMBLYMAN MCGAUGHEY:

Thank you, Mr. Speaker. Assembly Bill 290 was written as a result of my participation on the Capitol Complex Building Committee in cooperation with Senator Adler of the other house. The bill is designed to assure that through the years the master plan that has been developed for the Capitol Complex area is followed so that traffic and architectural aesthetics and those things are maintained. In that the legislature has the duty to provide funding to all the state buildings, it is only right the legislature be allowed to participate in the planning and location of those buildings as they relate only to the Capitol Complex, not the whole state.

The bill was passed out of this house 42 to nothing. In the Senate it was held in committee for amending because the administration objected due to the fact that there was a mandatory requirement of approval by the legislative committee before the project could go forward. The administration's objections were removed in the amendment to provide only for review. The committee does not have power in the final analysis of what's going to be done but sit at the table, participate and give their opinions. However, I realize that today we are not talking about good government, we are talking about the reality of politics and I suggest that the executive branch is doing what they are accusing this bill of doing, and that is intruding in the legislative process and with that, thank you. I hope you support it but I have an idea that I know where it is going. Thank you.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

YEAS—10.

NAYS—Anderson, Arberry, Bache, Bennett, Chowning, de Braga, Ernaut, Evans, Freeman, Garner, Gibbons, Giunchigliani, Heller, Hettrick, Kenny, Neighbors, Perkins, Petrak, Porter, Regan, Sader, Schneider, Segerblom, Smith, Spitler, Toomin, Myrna Williams, Wendell Williams, Mr. Speaker—29.

Absent—Haller, Scherer—2.

Not voting—Bonaventura.

Vetoed Assembly Bill No. 491 of the 66th Session.

Bill read.

Governor's message stating his objections read.

STATE OF NEVADA

EXECUTIVE CHAMBER

CARSON CITY, NEVADA 89710, July 5, 1991

THE HONORABLE CHERYL LAU, *Secretary of State*, Capitol Building, Carson City, Nevada 89710

DEAR SECRETARY LAU:

I am herewith forwarding to your office, for filing within the Constitutional time limit, and without my approval, Assembly Bill No. 491 entitled:

> An act relating to traffic laws; revising the penalties for driving under the influence of intoxicating liquor or a controlled substance; requiring an assessment of a person convicted of such an offense to determine if he is an abuser of alcohol or another drug; providing a penalty; and providing other matters properly relating thereto.

This bill was passed by both houses of the legislature on the final day of the legislative session. On its face, it would appear to be a laudatory bill in terms of its provisions for evaluation and treatment of persons convicted of driving under the influence of intoxicating liquor or controlled substances. This is something I have always been a strong proponent for, in addition to the very tough DUI laws we have in this state. On closer examination, however, the bill raises many questions which I believe could have a major impact on our court system and existing DUI laws if signed into law. I must therefore reluctantly veto this bill.

I am concerned with section 4 of the bill and the apparent discretion that it gives to treatment facilities over the confinement of a DUI offender. I note that under that section, a treatment facility may "at its discretion," confine an offender "in an institution for no longer than 6 months." This discretion, and the vague reference to confinement in an institution, may infringe on the prerogatives of the judicial system.

I favor strengthening our DUI laws. This bill does propose a system of evaluation and treatment that would, by itself, be beneficial. However, it also limits judicial discretion and provides for confinement that is likely unconstitutional. I fear if we take these steps, we will take a step backward which could seriously and permanently damage the public's confidence in our ability to fight the battle against DUI offenders.

Sincerely,

BOB MILLER
Governor

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblymen Carpenter and Sader.

Assemblyman Regan requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. A.B. 491 would provide an evaluation process to hopefully weed out social drinkers from those that have a real drinking problem on the first or second offense of a DUI.

There is a problem with this bill in that it refers to the situation that the institutions giving the counseling could possibly hold the people up to a period of six months. We don't want a problem like this with this bill so I would ask you to sustain the Governor's veto so we could correct the language and bring it back to you for further consideration. Also, Mr. Speaker, it is not every legislature that gets to have the Governor veto his bill especially when you are the only name on it. Thank you.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. This bill came through the Assembly Judiciary Committee in the last session. There was a lot of work done on it and it has by and large in its provisions some very valuable and important new changes in the law for treatment of DUI offenders. As the Governor's message suggests, the Governor is not opposed to the main thrust of the bill but we did make a mistake on page 2, section 4 in providing discretion to a treatment facility and how long a person would be incarcerated. I think on further reflection we agreed the Governor is right and this bill should have been vetoed and should not be sustained now. What we will need to do is to recraft this language and to come back with a bill that doesn't have the problems that caused this veto.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

YEAS—None.

NAYS—Anderson, Arberry, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Ernaut, Evans, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Price, Regan, Sader, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin, Myrna Williams, Wendell Williams, Mr. Speaker—40.

Absent—Haller, Scherer—2.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:25 a.m.

ASSEMBLY IN SESSION

At 11:30 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 10—Designating October as Nevada Child Health Care Month.

Assemblyman Evans moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 167—An Act relating to health care; defining additional offenses related to the submission of false claims for payment; providing penalties; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 168—An Act relating to mentally ill persons; removing the restriction on the location at which certain medical examinations of allegedly mentally ill persons may be performed; establishing standards for the preliminary medical examination of a person who is being transported to a mental health facility; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 169—An Act relating to vital statistics; allowing the state board of health to authorize county health officers to supply abstracted birth certificates under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Marvel, Dini, Price, Gregory, Arberry, Porter, Heller, Humke, Wendell Williams, Neighbors, Carpenter, Ernaut, Garner, Spitler, de Braga, Collins, Regan, Segerblom, Hettrick, Petrak, Bonaventura, Perkins, Schneider, Augustine, Bennett, Tiffany, Giunchigliani, Freeman, McGaughey, Bache, Anderson, Haller, Toomin, Gibbons, Kenny, Myrna Williams, Sader and Smith:

Assembly Bill No. 170—An Act relating to cultural affairs; providing for the issuance of general obligation bonds to provide revenue for grants for the preservation and promotion of the cultural resources of this state; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 171—An Act relating to dangerous weapons; providing for the issuance of a permit to carry a concealed weapon; providing penalties; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:37 a.m.

ASSEMBLY IN SESSION

At 11:52 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Neighbors, Carpenter, Collins and Marvel:

Assembly Bill No. 172—An Act relating to the division of land; extending the period within which action must be taken on a parcel map or on a request for a waiver of the requirement of a parcel map or survey; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Joint Resolution No. 3.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Natellie Turtinus.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Noah Baker.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Janine Hansen, Esther Triggs and Mr. Zachary Triggs.

Assemblyman Porter moved that the Assembly adjourn until Thursday, January 28, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 11:56 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ELEVENTH DAY

CARSON CITY (Thursday), January 28, 1993

Assembly called to order at 11:03 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present except Assemblyman Haller, who was excused.

Prayer by the Chaplain, The Reverend Dr. Gregg Townsley.

Blessings come our way every day, O Lord. We so rarely glimpse them. Help us to fix our eyes on these precious and unexpected graces, as You fix Your gaze on each of us today. We pray in the name of the One we hold most precious. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 13, 29, 34, 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 48, 51, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, January 27, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 7.

MARY JO MONGELLI
Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Assembly Bill No. 54.

Bill read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 79 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

By Assemblymen de Braga, Collins, Hettrick, Regan, Carpenter, Petrak, Neighbors, Giunchigliani, Kenny, Smith, Gibbons, Segerblom, Freeman and Garner:

Assembly Joint Resolution No. 12—Proposing to amend the constitution of the State of Nevada to prohibit money paid to provide compensation for industrial accidents and occupational diseases, for administrative expenses incidental thereto, and to fund and administer a public employees' retirement system from being loaned to the state or invested to purchase any obligations of the state.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 2 of article 9 of the constitution of the State of Nevada be amended to read as follows:

Sec. 2. *1.* The legislature shall provide by law for an annual tax sufficient to defray the estimated expenses of the state for each fiscal year; and whenever the expenses of any year [shall] exceed the income, the legislature shall provide for levying a tax sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of such ensuing year or two years.

2. Any [moneys] *money* paid for the purpose of providing compensation for industrial accidents and occupational diseases, and for administrative expenses incidental thereto, and for the purpose of funding and administering a public employees' retirement system, [shall] *must* be segregated in proper accounts in the state treasury, and such [moneys shall] *money must* never be used for any other purposes, and they are hereby declared to be trust funds for the uses and purposes herein specified.

3. Any money paid for the purposes set forth in subsection 2 must not be loaned to the state or invested to purchase any obligations of the state.

Assemblyman de Braga moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen de Braga, Collins, Wendell Williams, Segerblom, Bache, Price, Hettrick, Regan, Ernaut, Carpenter, Petrak, Marvel, Kenny, Smith, Gibbons, Freeman and Neighbors:

Assembly Bill No. 173—An Act relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for horses; contingently creating the same exemption from certain analogous taxes; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Wendell Williams, Arberry, Gibbons, Spitler, Garner, Myrna Williams, Smith, Schneider, Price, Giunchigliani, Porter, Collins, Bonaventura, Chowning, Toomin, Anderson, Haller, Bache, Carpenter, Bennett, Regan, Petrak, Kenny, Gregory, McGaughey and Segerblom:

Assembly Bill No. 174—An Act relating to sexual assault; limiting the right of a natural father to custody of or visitation with a child conceived as the result of a sexual assault; providing an exception; providing restrictions

on the admissibility into evidence of certain statements made by a victim during a sexual assault; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:15 a.m.

ASSEMBLY IN SESSION

At 11:29 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, January 28, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 1, 2, 3.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 175—An Act relating to crimes against public justice; prohibiting a person from directly or indirectly threatening or intimidating a state employee; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 1.

Assemblyman Heller moved the adoption of the resolution.

Remarks by Assemblyman Heller.

Assemblyman Price requested that Assemblyman Heller's remarks be entered in the Journal.

Thank you, Madam Speaker pro Tempore. I have the privilege at this time to have Deputy Sheriff Matthew Putzer sitting with me today. He is a constituent of mine. It's good to know that there are some solid peace officers out there protecting our citizens from some unwanted individuals who feel free to go around robbing different stores.

Just to give a little bit of background on what happened, if I recall correctly, we had a taxicab that was taking a gentleman from one 7-Eleven Store to the next 7-Eleven Store and as he was robbing them, waiting there to pick the robber up and take him to the next store. It just so happened that Deputy Sheriff Putzer, hearing this over the radio,

understood one of the stores hadn't been robbed yet, so he made a beeline to that particular store and when he got there found the robber was already there and, unfortunately, some things happened that shouldn't have happened.

Coincidentally, I happened to enter that 7-Eleven Store the next day and the clerk in the store was very happy to show me some of the bullet holes that had been riddled throughout the store. The bullets were still lodged into the walls. It gives you a sobering feeling of gratitude for the efforts of these individuals who are willing to put their lives on the line for us. I would like for you to join me in congratulating Deputy Sheriff Putzer for receiving this award based on his courage and heroic efforts.

Resolution adopted unanimously.

Senate Concurrent Resolution No. 2.

Assemblyman Humke moved the adoption of the resolution.

Remarks by Assemblymen Humke and Anderson.

Assemblyman Price requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HUMKE:

Thank you, Madam Speaker pro Tempore. Deputy Wright is present this morning along with Sheriff Vince Swinney of Washoe County Sheriff's Department.

Deputy Wright is an example of a new breed of law enforcement. He is extremely goal oriented and has established a list of goals he wishes to accomplish during his tenure on the Washoe County Sheriff's Department. I think the resolution speaks to many of those goals. I won't go over and reiterate them. One thing that is woven through the description is his desire to participate, on his own time, in improving himself to become a better sheriff's deputy and to make the department a better one. He obviously had the incident involving the National Championship Air Races where he was the first to respond to the crash. I don't think there was a fatality in that crash, but he obviously helped to keep that from coming about.

I would like to say a couple of words about Deputy Wright. He comes from rather famous stock. His father is Mike Wright, who is currently president of the Washoe County School Board of Trustees, and he is a constituent of Mr. Anderson. I think his father will be introduced in his own right. Deputy Wright was named the Officer of the Year. I would like to import to you, Deputy Wright. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. To you and through you to this honorable body, it is indeed with a great deal of pleasure that I rise to support the resolution. I have had the pleasure of watching young Mr. Wright make presentations before the Washoe County School Board to expand the Explorer Program available to students through the Washoe County Sheriff's Department. In fact, he is extremely instrumental, if not clearly the sole leader in making sure that that program was revitalized and brought back into full operation. His time in the D.A.R.E Program is legendary in our district and speaks to one of the major problems our society fulfills. I might disagree slightly with Mr. Humke's presentation in one small regard. I think that Officer Wright represents the great tradition of what police officers are all about in this society, and although he is a new breed of officer, he carries on that great tradition and there is no finer example than this young man who has been selected as the Officer of the Year.

Resolution adopted unanimously.

Senate Concurrent Resolution No. 3.

Assemblyman Augustine moved the adoption of the resolution.

Remarks by Assemblymen Augustine and Perkins.

Assemblyman Price requested that the following remarks be entered in the Journal.

ASSEMBLYMAN AUGUSTINE:

Thank you, Madam Speaker pro Tempore. I am honored to have Officer Rodriquez-Carroll here today. She is one of my constituents. In addition to this list of fine accomplishments, she also worked with incarcerated teenagers, 13 to 17 years of age, in order to get them involved in alternative activities in the community after their sentences were completed in juvenile hall.

Officer Rodriquez-Carroll is beginning a boys and girls basketball program, with the assistance of other officers volunteering their time, as well as the Park and Recreation Department in Clark County. They are trying to get parents to participate in these programs with the youth, also. Officer Rodriquez-Carroll also visits bilingual schools to talk with Hispanic children about law enforcement so they will have a better understanding of police operations in our community. She is well deserving of this award, and I urge your support of this resolution. Thank you.

ASSEMBLYMAN PERKINS:

Thank you, Madam Speaker pro Tempore. To you and through you to this body, I am very proud today to stand as the only acting law enforcement officer in this group. I reserved my comments until this point to address them consistently to all three resolutions.

I feel compelled to speak in support of and to recognize these officers for many reasons, one of which it is important for us to recognize law enforcement officers as a whole are very good people and very hard working. We tend to get a lot of negative press at times and I have seen that happen quite a bit the last couple of years. Overwhelmingly though, more officers are good than bad.

It is refreshing to see positive recognition. And refreshing to see the officers we have before us and I understand that they make such a positive contribution towards society. I also recommend and urge support for this resolution.

MADAM SPEAKER PRO TEMPORE:

I take the privilege of the chair to say that I, too, share Mr. Perkins' feelings as someone who holds a degree in law enforcement, even though people may not think I do. I think it's wonderful and I applaud these officers that we have with us today.

Resolution adopted unanimously.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Michael Wright.

On request of Assemblyman Augustine, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Cindy Rodriquez-Carroll.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. David Weisbart.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Garrett Suten.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Amy Mathis and Heidi Cohen.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Michael John Wright and Sheriff Vince Swinney.

Assemblyman Porter moved that the Assembly adjourn until Friday, January 29, 1993 at 10:30 a.m.

Motion carried.

Assembly adjourned at 11:52 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE TWELFTH DAY

CARSON CITY (Friday), January 29, 1993

Assembly called to order at 10:38 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Haller and Freeman, who were excused.

Prayer by the Chaplain, The Reverend Dr. Gregg Townsley.

Heavenly Father. Times we thought to be short turn out to be long. Tasks we thought to be easy mature to be the most demanding. Yet, You are within them all. Short and tall, not so trying and most arduous, You breathe life into the moments of this day. Bless us then we pray, and the efforts we make for those we serve. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Anderson, Toomin, Freeman, Hettrick, Segerblom, Spitler, Evans, Gibbons, Petrak, Myrna Williams, Schneider, Regan, Arberry, Perkins, Bache, McGaughey, Gregory, Kenny, Chowning, Bennett, Wendell Williams, Haller, Giunchigliani, Bonaventura, Humke, Dini, Lambert, Price, Collins and Porter:

Assembly Bill No. 176—An Act relating to public highways; requiring the governing body of a political subdivision and the attorney general, under certain circumstances, to bring an action to allow access to a public road; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 177—An Act relating to the division of land; making various changes to the statutory requirements for the division of land; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 178—An Act relating to the division of land; establishing a procedure for an owner, subdivider or governing body to consolidate certain lots into one lot; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 179—An Act relating to the division of land; revising certain provisions governing the division of land into four lots or less; revising certain provisions governing the division of land into large parcels; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 180—An Act relating to the development of land; revising various provisions relating to tentative and final maps of subdivisions of land; revising the provisions governing when the building code of a city supersedes the building code of a county; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 181—An Act relating to planning the use of land; making various changes relating to the subdivision of land; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 13.

Bill read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that Assembly Bill No. 29 be taken from the Second Reading File and re-referred to the Committee on Government Affairs.

Remarks by Assemblyman Garner.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 34.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 35.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 48.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 51.
Bill read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 5, 6, 54 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

Mr. Speaker appointed Assemblymen Garner, Sader, Arberry, Bennett, Evans, Freeman, Giunchigliani, Porter, Price, Spitler, Myrna Williams, Wendell Williams, Dini, Lambert, Marvel, Gregory and Heller as a Select Committee on Government Reorganization, with Assemblymen Garner and Sader to serve as Cochairmen and Assemblyman Arberry to serve as Vice Chairman.

Mr. Speaker appointed Assemblyman Schneider to serve on the Committee on Judiciary during the absence of Assemblyman Haller.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 10:55 a.m.

ASSEMBLY IN SESSION

At 10:59 a.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:
Assembly Bill No. 182—An Act relating to handicapped persons; prohibiting the bureau of services to the blind of the rehabilitation division of the department of human resources from guaranteeing loans to blind persons who are under contract with the bureau; and providing other matters properly relating thereto.
Assemblyman Evans moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

By the Committee on Commerce:
Assembly Bill No. 183—An Act relating to metropolitan police departments; requiring that a proposal for the imposition of an ad valorem tax for additional officers be submitted to the voters of areas where a metropolitan police department has been created; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 184—An Act relating to trade practices; establishing a retailer's right of first refusal before a refiner or distributor may sell or otherwise transfer his interest in a service station; authorizing the filing of a civil action to enforce the right; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Taxation:

Assembly Joint Resolution No. 13—Proposing to amend the constitution of the State of Nevada to authorize the legislature to establish an exemption from property taxes for property on which a declaration of homestead has been recorded.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 1 of article 10 of the constitution of the State of Nevada be amended to read as follows:

Section 1. 1. The legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in section 5 of this article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The legislature may exempt motor vehicles from the provisions of the tax required by this section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. *The legislature may exempt by law property or any portion of the value of property on which a declaration of homestead has been recorded.*

10. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the state.

Assemblyman Price moved that the resolution be referred to the Committee on Taxation.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 7.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Helen Leveille.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Christine Leyrer.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Rebecca Whitmore and Mr. Hank Whitmore.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Cobb and the students from The Church Academy School: Jesse Jacobson, Milton Barr, Chavon Silva, Esther Cobb, Nicole Pfeil, Danny Luxenburg, Tammy Silva, Maryah Cazier, Lindsay Raymond, Kara Davis, Lori Callender, Donald Gustavson, Heath Silva, Christy Cobb, Linea Allen and David Barr.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Lisa Barbee.

Assemblyman Porter moved that the Assembly adjourn until Monday, February 1, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 11:03 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FIFTEENTH DAY

CARSON CITY (Monday), February 1, 1993

Assembly called to order at 11:02 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Haller, who was excused.

Prayer by the Chaplain, The Reverend Tom Hutson.

For this day, we give You thanks for the work before this Assembly and for the members here to do that work. We pray for wisdom and courage and for the largeness of vision to see the greater good of the people of our state. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Bennett moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 70, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Dini and Marvel:

Assembly Bill No. 185—An Act relating to taxation; revising the definition of "agricultural use" for purposes of the tax on agricultural property; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Hettrick, Dini, Myrna Williams, Heller, Carpenter, Ernaut, Marvel, Humke, Lambert, Tiffany, Augustine, Bache, Regan, Perkins, Collins, Bonaventura, Schneider, de Braga, Kenny, Giunchigliani, Gibbons, Scherer, Chowning, Gregory, Evans, Freeman, Segerblom, Anderson, Price, Smith, Toomin, Arberry and Neighbors:

Assembly Bill No. 186—An Act relating to wineries; increasing the population threshold for a county in which a domestic winery may be operated; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Commerce.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:06 a.m.

ASSEMBLY IN SESSION

At 11:11 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Petrak, Porter, Myrna Williams, Kenny, Segerblom, Toomin, Price, Chowning, Wendell Williams, Smith, Bache, Giunchigliani, Perkins, Bennett, Regan, Neighbors, Garner, Augustine, Evans, Sader and Freeman:

Assembly Bill No. 187—An Act relating to mobile home parks; limiting the increase in the rent for mobile home lots in certain counties; requiring the administrator of the manufactured housing division of the department of commerce to impose a fine for violation of the limitation on increasing the rent of mobile home lots; and providing other matters properly relating thereto.

Assemblyman Petrak moved that the bill be referred to the Committee on Commerce.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 5.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Assembly Bill No. 5:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 5 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 6.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 6:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 6 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 13.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Assembly Bill No. 13:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 34.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 34:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 34 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 35.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 35:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 35 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 48.

Bill read third time.

Remarks by Assemblyman Gregory.

Roll call on Assembly Bill No. 48:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 48 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 51.

Bill read third time.

Remarks by Assemblymen Petrak and Scherer.
Roll call on Assembly Bill No. 51:

YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 51 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 54.
Bill read third time.
Remarks by Assemblyman Collins.
Roll call on Assembly Bill No. 54:

YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:28 a.m.

ASSEMBLY IN SESSION

At 11:51 a.m.
Mr. Speaker presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 1, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 4.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 4.
Assemblyman Arberry moved the adoption of the resolution.
Remarks by Assemblyman Arberry.
Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Dini, Price, Chowning, Marvel, Gibbons, Bonaventura, Hettrick, Neighbors, Ernaut, Heller, Perkins, Regan, Wendell Williams, Gregory, Evans, Schneider, Anderson, Collins, Humke and Augustine:

Assembly Bill No. 188—An Act relating to state financial administration; directing the issuance of Nevada silver coins; providing that such coins are legal tender for all debts in this state; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Carpenter, Marvel, Dini, Hettrick, de Braga, Collins, Neighbors, Regan and Humke:

Assembly Bill No. 189—An Act relating to hazardous materials; exempting from regulation the use of substances for agricultural or mining purposes; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblyman Ernaut to serve on the Committee on Government Affairs during the two-week adjournment period, February 6, 1993 through February 21, 1993.

Assemblyman Porter moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 12:04 p.m.

ASSEMBLY IN SESSION

At 4:30 p.m.

Mr. Speaker presiding.

Quorum present.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing a presentation by Judy Matteucci, Director, Department of Administration, regarding governmental reorganization.

Assembly in recess at 4:32 p.m.

ASSEMBLY IN SESSION

At 5:12 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolutions Nos. 1, 2, 3.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Bryan Kenworthy, Mike Merritt, Wayne Miller, Rod Herrick, Bob Lage, John Terras, James Anderson, Steve Gustafson, Mesdames Diane Christiansen, Nada Miller, Lorraine Giurlani, Kathy Gustafson, Patricia Davis, Phyllis Rogers and the following Boy Scouts: Rob Alvin, David Crossman, Nick Kenworthy, Eric Scheetz, Chris Lowman, Joel Martinson, Tom Martinson, Tom Kaminski, Mark Connell, Michael Kennedy, Blue Eisele, Jimmy Christianson, Chris Peterson, Myles Sciotto, Craig Miller, David Bushey, Andrew Haws, Tyler Stevens, John Ceneceros, Billy Lynch, Brian Walten, Coleman Miller, Robert Baumann, Paul Batish, Jason Hansen, Andrus Toth, Brian Herrick, Ramone Batish, Tim Garner, John Neilson, Stewart Quigley, J. R. Lage, Jake Lage, Jay Forbusch, Brent Forbusch, Jonathan Moberlly, Brett Harrison, Jeremy Fitzgerald, Joseph Reno, Jeff Kiersch, Keith Beall, Jason White, Steve Hughey, Mike Hughey, Todd Jewitt, Chris Thompson, Steven Malekos, Shane Davis, Brian Anderson, Sam Landus, Jason Stewart, Michael Magdaleno, Pete Seuss, Ben Rogers, B. J. Schilling, Gregg Bredesen, Neal Rogers, Matthew Williams, Dave Solmon, Mike Messer, Robbie Williams and Selwyn Layton.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Jeremy Fitzgerald.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. David Layton and Kerry Tuckett.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, February 2, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 5:13 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SIXTEENTH DAY

CARSON CITY (Tuesday), February 2, 1993

Assembly called to order at 11:29 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Haller, who was excused.

Prayer by the Chaplain, The Reverend Tom Hutson.

As we look to the mountains around us, O God our Creator, help us to remember that our help comes from the One who creates and sustains all the universe day by day. Guide and bless the efforts of this Assembly this day and every day. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 70.

Bill read second time, ordered engrossed and to third reading.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:33 a.m.

ASSEMBLY IN SESSION

At 11:37 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblyman Anderson to serve on the Committee on Taxation and Assemblyman Dini to serve on the Committee on Education during the absence of Assemblyman Haller.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of recognizing David Shipler, recipient of the Pulitzer Prize for Literature.

Assembly recess at 11:40 a.m.

ASSEMBLY IN SESSION

At 11:42 a.m.

Mr Speaker presiding.

Quorum present.

Assemblyman Myrna Williams requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. It's my pleasure to have two very distinguished guests sitting with me today. You all know journalists Guy Shipler and his son, David.

Guy, of course, for many years has been called the "Dean of Nevada Journalists" covering the legislature. I happen to have a column he wrote at the beginning of this session that shows he is one of the people with the media that truly understands the work and pressures that we are placed under when we are up here. As a correspondent for *Time Magazine, The Carson Appeal,* and for numerous other newspapers, television and radio stations throughout Nevada over the years, Guy is well known to all of us.

Now, I would like to introduce his son, David K. Shipler. David, formerly with the *New York Times* for many years was the *Times* Bureau Chief in Israel, in the former Soviet Union and in South Vietnam; all during the critical times in our recent history. He is now better known for his books. *Russia, Broken Idols and Solemn Dreams* was written in 1983 and was one of the first serious treatments dealing with the Russian character prior to the momentous days that led up to the dissolution of the Soviet Union. In 1986, David wrote the book, *Arab and Jew, Wounded Spirits in a Promised Land,* for which he won the Pulitzer Prize for Literature. We are indeed honored today.

He is presently working on another project that promises to be of major interest but at this time he is doing research here in the United States. Without revealing his directions, perhaps I can say that he is looking closely at relationships here at home rather than studying people in a far-off country.

It really is my distinct privilege to introduce Guy Shipler and David Shipler.

DAVID SHIPLER:

Thank you, very much. I appreciate this honor tremendously. I would just like to say that the project that I am working on now is about race relations, black and white relations, in the United States which, I think, is the major problem this country faces. That's the reason I want to write about it. It underlies almost every major social issue that we have to come to grips with and exacerbates many of our problems. It is a difficult issue to write about, of course, because everyone in the United States is an expert on the subject, unlike my books on Russia and Israel, which are far-off places, and not everyone thought he knew about those subjects so, it's a challenge for me. I've been working on it for a couple of years learning about my own country. Seeing a lot of what is good about the country as well as what is very wrong. I think the line in President Clinton's inaugural address that struck me the most in this regard was, and I can't reproduce it exactly, but it had to do with there is nothing wrong with this country that cannot be cured by what is right with it, and I do believe that this is also true in the area of race relations if we work very hard at it, but it is a difficult one—a very important issue. I appreciate the chance to be here and to be honored this way. I wish you well with your very important work. Thank you.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jeanette Friedman and Messrs. Clint Combs, Klaus Bachenheimer, Richard Colon and Perry Whitt.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Guy Shipler and David Shipler.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, February 3, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 11:50 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 3, 1993

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Haller, who was excused.

Prayer by the Chaplain, The Reverend Tom Hutson.

Father, we come at this moment to ask for the wisdom and strength to see and do the things that need to be done here today. Bless all whom we serve. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Bennett moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 2, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 13.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 2.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 2:

Assemblyman Bennett moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Smith, Regan, Gregory, Bache, Garner, Porter, Collins, de Braga, Carpenter, Neighbors, Segerblom, Wendell Williams, Kenny, Gibbons, Toomin, Anderson, Petrak and McGaughey:

Assembly Bill No. 190—An Act making an appropriation to Clark County for improvements to the fairgrounds for the Clark County fair; and providing other matters properly relating thereto.

Assemblyman Smith moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Wendell Williams and Arberry:

Assembly Bill No. 191—An Act relating to the board of regents of the University of Nevada System; requiring the board of regents to submit a report to the director of the legislative counsel bureau concerning certain activities of the police department for the University of Nevada System; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 192—An Act relating to pupils; requiring the board of trustees of each school district to establish a policy for the procedures which must be followed by a peace officer in arresting a pupil on school grounds during school hours; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 193—An Act relating to health care; revising the definition of "residential facility for groups" for the purposes of licensure and regulation; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 13.

Assemblyman Bennett moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:15 a.m.

ASSEMBLY IN SESSION

At 11:36 a.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 29.

Bill read second time, ordered engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 70.

Bill read third time.

The following amendment was proposed by Assemblyman Scherer:

Amendment No. 18.

Amend sec. 2, page 1, by deleting line 13 and inserting: "*must be distributed:*

(a) By depositing an amount equal to one-half of the remainder in the county general fund; and

(b) By crediting to the estates pro rata an amount equal to one-half of the remainder.".

Amend sec. 2, page 1, by deleting line 21 and inserting: "*account of the public guardian must be distributed:*

(a) By depositing an amount equal to one-half of the remainder in the county general fund; and

(b) By crediting to the estates pro rata an amount equal to one-half of the remainder.".

Amend the title of the bill to read as follows:

"An Act relating to the administration of estates; authorizing a public administrator or public guardian to combine money from estates for investment; requiring the equitable distribution of interest or income resulting from the combined investment of estates; requiring the deposit of half of any remaining interest or income in the county general fund; and providing other matters properly relating thereto.".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblymen Scherer, Sader, Bonaventura, Anderson and Evans.

Amendment lost on a division of the house.

Remarks by Assemblyman Sader.

YEAS—38.

NAYS—Collins, Humke, Scherer—3.

Absent—Haller.

Assembly Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Regan, Dini, Schneider, Petrak, Gregory, Kenny, McGaughey, Smith, Toomin, Bache, Bennett, Augustine, Garner, Porter, Wendell Williams, Collins, Bonaventura, Segerblom, Perkins, Giunchigliani, Chowning, Myrna Williams, Scherer, Humke, Anderson, Lambert, Tiffany, Arberry, Heller, Price, Spitler, Freeman, Hettrick, Carpenter, Gibbons, Neighbors, Ernaut, Marvel, Evans, Sader, Haller and de Braga:

Assembly Concurrent Resolution No. 11—Memorializing Las Vegas gaming industry pioneer Sam Boyd.

WHEREAS, It is with sadness and regret that the members of the Nevada Legislature note the passing of Samuel Addison Boyd, a man who was a legend among the pioneers of gaming in the State of Nevada; and

WHEREAS, Samuel Addison Boyd was born on April 23, 1910 in Enid, Oklahoma; and

WHEREAS, As a child, he was often referred to as "Treetop" by his friends because of his propensity for climbing trees; and

WHEREAS, During his lifetime he reached heights which few have surpassed in the gaming industry; and

WHEREAS, Sam Boyd spent his early years working in games of chance, first at 17 as a pitchman on the Long Beach Boardwalk and later on gambling ships anchored off the California coast, managing bingo games and learning to deal 21 and operate craps tables and the roulette wheel; and

WHEREAS, On February 18, 1931, Sam married Mary Teresa Neuman of Salt Lake City after a chance meeting while she was visiting friends in California, and this marriage of devotion and commitment lasted for 56 years until Mary's death in 1987; and

WHEREAS, After spending 5 years in Hilo and Honolulu, Hawaii, where Sam Boyd established bingo and made friendships which lasted throughout his life, Sam, Mary and their young son, Bill, moved to Las Vegas in 1941; and

WHEREAS, Over the next 50 years, Sam Boyd would turn a penny roulette game at the Jackpot into one of the largest gaming empires in this state; and

WHEREAS, Sam Boyd, at the young age of 42 invested in the Sahara Hotel becoming an owner-partner and later opened the Mint Casino on Fremont Street; and

WHEREAS, In 1962, The Boyd family bought their first casino in Henderson, Nevada, and with the renovation of the run-down club, the Eldorado Casino soon developed into a very successful casino; and

WHEREAS, Sam Boyd pioneered the current policy of providing elaborate entertainment to bring gamblers to the area, an expense which soon realized extraordinary profits; and

WHEREAS, Sam Boyd helped negotiate financing for the Union Plaza Hotel and Casino on Fremont Street where he continued his innovative ideas by bringing several Broadway productions to the Union Plaza which was an overwhelming success that to date has not been duplicated in any other hotel; and

WHEREAS, In 1983, the Nevada Gaming Commission asked the Boyd Group to take over the Stardust Hotel and Casino to prevent it from closing and within 1 year the Boyd Group bought the Stardust; and

WHEREAS, Sam Boyd's reputation for a quick smile and an always courteous demeanor was an inspiration to others including his employees who soon became known for their exceptional cordiality to their customers; and

WHEREAS, Sam Boyd was the first to admit that his family was a priority in his life and in 1979 Sam and his son Bill pioneered the concept of the family resort for "locals" and tourists alike with the construction of Sam's Town on the Boulder Highway; and

WHEREAS, In 1984, Sam Boyd founded the Boys Club of Las Vegas along with seven more similar clubs throughout Nevada and he later established the Girls Club of Henderson; and

WHEREAS, When the University of Nevada at Las Vegas asked for contributions to operate and improve the Las Vegas Silver Bowl stadium, Sam Boyd donated $1,500,000 and in recognition of his immense generosity, the stadium was renamed the Sam Boyd Silver Bowl; and

WHEREAS, This remarkable man helped establish Las Vegas as one of the most famous resorts in the world and Sam Boyd's foresight of the potential of Las Vegas never wavered; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 67th Nevada Legislature offer their deepest condolences to Sam Boyd's family and friends upon their loss; and be it further

RESOLVED, That Sam Boyd will remain a reminder to all persons of what courage, insight and determination can accomplish; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Sam Boyd's son William S. Boyd.

Assemblyman Regan moved the adoption of the resolution.

Remarks by Assemblyman Regan.

Resolution adopted unanimously.

COMMUNICATIONS

Assemblyman Myrna Williams requested that the following communication regarding the contest of election between Brendan Trainor and Assemblyman Jan Evans be entered in the Journal.

BRENDAN TRAINOR
P. O. Box 5737
Sparks, Nevada 89432-5737
(702) 358-5942
January 28, 1993

SPEAKER OF THE ASSEMBLY JOSEPH E. DINI, JR.

DEAR MR. DINI:

In reply to the legal opinion of the Legislative Counsel Bureau written by Lorne J. Malkiewich, Legislative Counsel:

The issue is not merely whether a Legislator may concurrently be an employee of the University of Nevada System, but whether a state employee may serve in the Legislature. The contest is based on section 1 of Article 3 of the nevada constitution, which reads:

> The powers of the Government of the State of Nevada shall be divided into three separate departments,—the Legislative,—the Executive and the Judicial; and no persons charged with the exercise of powers properly belonging to one of these departments shall exercise any functions, appertaining to either of the others, except in the cases herein expressly directed or permitted.

The Legislative Counsel Bureau has apparently made the determination that the Constitution does not mean what it says, but that "any function appertaining to either of the others" can be loosely interpreted to a doctrine not held by the Attorney Generals of Nevada or the recent court decisions of several sister states that can be called a "doctrine of degree".

Let us examine these legal conclusions of the Legislative Counsel Bureau.

The LCB admits on page two of its brief that the University of Nevada System is indeed part of the executive branch of the Nevada Government. This is an important point because there are those who would argue that because the University's Board of Regents is elected by the people, that the University System is somehow a special separate case. But, of course, Article 3 Section 1 specifically declares that the "Government of the State of Nevada is divided into three separate departments..." and if this needs judicial support, we shall see that it is forthcoming. Therefore, I would urge the Assembly to examine the Hierarchy Chart of Government in the Legislative Manual and make it clear that the University is indeed part of the executive branch.

There were two relevant decisions on this subject rendered by Nevada Attorney General W.T. Mathews. They have laid the groundwork for Nevada's official position on this issue. In AGO 357 issued on December 22, 1954 ,the Attorney General states that a Mr. Baptista M. Tognoni, employed as a Senior Engineering Aide in the Nevada Highway Department and an elected Assemblyman from Eureka County, and Mr. Edward C. Leutzinger, employed as a Senior Civil Engineer in the same department, and the elected State Senator from the same Eureka County, had requested leave from their jobs from Mr. Worth McClure , Jr. Personnel Director, Nevada State Personnel Department. Mr. McClure asked the Attorney General if such leave should be granted. Attorney General Mathews declared "We think such practice would ignore if not in fact be violative of the above-quoted constitutional provision, and certainly against the public policy of this state as so expressed therein."

Attorney General Mathews then cited State ex rel. Black et al.,v. Burch, State Auditor, 80 N.E.2d.294 (Indiana). The court ruled that three Assemblymen and one Senator had violated Section 1, Article 111 of the Indiana Constitution, which is identical with Section 1, Article 111 of the Nevada Constitution. The Indiana court exhaustively examined the authorities and reasons for the separation of powers doctrine, quoting from the Federalist Papers, and concluded:

> In view of the fact that it is obvious that the purpose of all these separation of powers provisions of Federal and State Constitutions is to rid each of the separate departments of government from any control or influence by either of the other departments and that this object can be obtained only if Section 1 of Article 3 of the Indiana Constitution is read as it is written...if persons charged with official duties in one department may be employed to perform duties, official or otherwise, in another department the door is opened to influence and control by the employing department. (underlining added).

The Nevada Attorney General Mathews declared he was in accord with the language of the Indiana Court that "section 1 of Article 3 of the Indiana Constitution is read exactly as it is written." and that the same rule applies to Section 1 of Article 111 of the Nevada Constitution. A.G. Mathews concluded:

> It is the opinion of this office that any legislative act empowering any official or person to grant leaves of absence from employment in the Executive Branch of the State Government for the purpose of exercising powers belonging to the Legislative Branch would be beyond the powers of the Legislature to enact.
>
> It is our considered opinion that the personnel director has no power to grant such leaves.
>
> ...the resignation of employees of the Executive Department for the purpose of serving as members on the Legislative Department, with reinstatement thereafter in the Executive Department would be a manifest evasion of such constitutional prohibition, in brief a subterfuge evading the public policy of the State.

Attorney General Mathews had earlier given an official opinion in another situation. On July 9, 1952, in OAG 183, A.G. Mathews had replied to State Senator John Murray, also, coincidently from Eureka County Nevada, concerning a query as to whether his holding the position of the Office of Director of Drivers License under the Motor Vehicle Laws of the state while at the same time serving in the Senate was a violation of Section 8, Article IV of the Nevada Constitution, which concerns a legislator being appointed to a newly created civil office. Instead of replying to this question, A.G. Mathews answered that Section 1, Article 3 of the Constitution was the Constitutional section that pertained. "Executive class includes all persons who have functions in the administration of public affairs, as contradistinguished from legislative and judicial functions." People v. Salsbury, 96 N.W. 936; 23 C.J., page 982.

Relying on the case of Saint, Attorney General et al. v. Allen et al., 126 So. 548, (Louisiana), which Mathews declared had a separation of powers clause almost identical to Nevada's, the Nevada A.G. defined any exceptions to the rules as purely parliamentary, i.e. confined to such instances as where the Senate is given executive or administrative power confirming appointments, or where the House of Representatives is given judicial power of impeachment, and the Senate given judicial power of trying impeachments.

Further, on page 555 the court states: "It is certain that the highway department is not a part of the legislative department, and it is equally certain that it is not a part of the judicial department; and hence, as there are not four, but only three, general departments of government...the highway department must be classified as belonging to the executive department...it is not necessary, to constitute a violation of the article, that a person should hold office in two departments of the government. It is sufficient if he is an officer in one department and at the same time is employed to perform duties, or exercise power, belonging to another department. The word 'exercise power' speaking officially, means perform duties or functions."

A.G. Mathews also cites State v. Corley, 172 A. 415, and Meagher v. Howell et al., 188 S.W. 373; 100 A.L.R. 1171.

On May 22, 1974, Attorney General Robert List in OAG 168 issued an official opinion to Mr. Howard Hill, then Director of the Department of Motor Vehicles, concerning Highway Patrol General Order 75.4 which stated:

> No member of the Division shall file for or publicly announce his candidacy for public office. It is mandatory for the good of the service that members shall not become candidates for public service.

A.G. List struck down this general order as too broad and violative of first and fourteenth amendment rights. In direct response to Question Three, which was:

> Can a member of the Highway Patrol file for an office, such as county commissioner, assemblyman or state senator, and (a) if elected, would there be a conflict of interest,...

A.G. List relied upon the Attorney General Opinions I have cited, but "a distinction may be safely made between local government elective offices and state elective offices. While an employee of the Highway Patrol could serve in the patrol and simultaneously hold a local government elective office, an employee of the patrol would have to resign his position in the patrol if he were to be elected to a state legislative or judicial office..." (underlining added).

List explains that "an employee of the patrol helps perform the administrative functions of the state executive branch of government and, therefore, he is a member of the executive branch... It would, therefore, be constitutionally invalid for an employee of the patrol to simultaneously serve as a member of the state legislature or judicial departments... Therefore, a highway patrolman elected to the Legislature or to the judiciary...would have to resign from the patrol." OAG 168, page 37 (1974).

In light of these opinions issued by the Attorney Generals of Nevada, it would appear that the Doctrine of Degree which is put forth by the Legislative Counsel Bureau cannot stand. Let us discuss this further.

11

> "The sovereignty of a state extends to everything which exists by its own authority, or is introduced by its permission:..." McCulloch v. The State of Maryland 4 Wheat. 316, 429.

"We are in accord with the language of the Indiana court 'that Section 1 of Article 3 of the Indiana constitution is read exactly as it is written'". OAG 357 page 47 (12-22-54).

The Legislative Counsel Bureau has made much of the fact that the Nebraska Constitution includes the words persons being one of these departments, which is not included in the Nevada wording. However, the Nebraska Constitution uses the words shall exercise any power properly belonging to either of the others, while the Nevada Constitution goes further than that by expressly declaring that no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others. Does not the person in question, Jan Evans, exercise power in the Legislative branch and a function in the Executive branch? let us visit again page 47 of OAG 357 of 1954. "The Indiana court exhaustively examined the authorities and reasons for the separation of powers of government, quoting at length from the Federalist the work of Hamilton and Madison during the formative period of our constitutional government, and then concluded as follows:

> ...In view of the fact that it is obvious that the purpose of all these separation of powers provisions of Federal and State Constitutions is to rid each of the separate departments of government from any control or influence by either of the other departments, and that this object can be obtained only if Section 1 of Article 3 of the Indiana Constitution is read exactly as it is written, we are constrained to follow the N.Y. and Louisiana cases above cited. If persons charged with official duties in one department may be employed to perform duties, official or otherwise,in another department the door is opened to influence and control by the employing department. (underlying added)

The Legislative Counsel Bureau makes the point that the Nebraska decision was split 3-2 and the dissent centered around the fact that the State Senator in question was a professor. This fact undoubtably caused the two dissents, as the profession of teaching, as Justice Shanahan noted in his dissent, has the purpose of conveying truth, and enjoys substantial First Amendment protection. However, Jan Evans is not a teacher, so the point does not apply here. It may be true that Ms. Evans does not make policy judgments at UNR, but neither do Highway Patrolmen, highway engineers, or probably even directors of Drivers

License. But legislators do make policy, and Jan Evans wants to be a Assemblyman and at the same time hold a job in the executive branch of the State. The Constitution establishes a great deal of autonomy for the University System within the Executive Branch in order that it may be as independent as possible from micromanagement by the Legislature or the Governor. "It was the intention of the framers of the Constitution to vest exclusive executive and administrative control of the university in a Board of Regents to be elected by the people." King v. Board of Regents, 65 Nev. 533, 200 P..2d 221 (1948). "Control of the University of Nevada is placed in the board of Regents and no other body." AGO 134 (12-6-1955). "The Legislature may prescribe duties of regents but cannot limit or extend [their] powers." AGO 124 (4-14-1964).

This control by the Board of Regents over the administrative and executive affairs of the University system, of course, explains why Ms. Evans' position was not created by Legislative statute. The Legislature is forbidden from micro-managing the University by creating jobs within it by statute.

This is not to say, of course that the Constitution has created some sort of fourth branch of Government in the University System, or that the University System is somehow completely independent of the rest of government. "The constitutional separation of powers doctrine does not prevent judicial review of the judicial or quasi-judicial acts of the Board of Regents when an excessive of jurisdiction is in question." State ex rel. Richardson v. Board of Regents, 70 Ne. 144, 261 P.2d 515 (1953).

The Legislature has the discretion to set the length of the term of the Board of Regents, Tam v. Colton, 94 Nev. 452, 581 P2d 447 (1978). With regard to the purchase of real property by the Board Of Regents, "the Constitution, statutes and case law of Nevada do not contemplate or authorize speculative expenditures or investments of the University of Nevada funds." AGO 428 (11-20-1958). "The authority vested in the Board of Regents by Const.,Art.11 Sec. 7 and Sec. 4, must be viewed in conjunction with the authority of the Legislature under Const.,Article 4, Sec. 19, and Art. 11, Sec. 6, to appropriate money for the support of the University from the state general fund upon presentation of budgets in the manner required by law." AGO 80-7 (3-18-1980). While the Board of Regents has the exclusive power to invest proceeds from the grant of public lands in Art 11. Sec. 8, (AGO 112 (1-21-1924)), nevertheless the securities must remain in the possession of the State Treasurer. AGO 112 (1-21-1924).

Finally, let us discuss the issue of sovereign power of the state, and the ideal of a Citizen Legislature. One of the issues addressed by the Nebraska court in Spire v. Conway was whether a university teacher shared in the sovereign power of the state. The court declared he did, and I support their decision. Nevertheless, Ms. Evans is not a teacher, but is employed in University Administration. The Legislative Counsel Bureau's legal opinion on this issue would seem to imply that Ms. Evans job is the same as a private sector job. (See page 2). Nothing could be further from the truth. Ms. Evans' position embodies state sovereignty in several ways. She is employed by the University of Nevada System, a government agency of the executive branch that exists largely through public funds and the sovereign taxing power of the State of Nevada. The University system comprises approximately 20% of the State Budget, in the neighborhood of 200 million dollars of state revenue appropriated by the Legislature during the 1991-1993 Biennium from the General Fund. Can there not be seen conflicts of interest in an employee who helps to approve funding for his own agency from the General Fund? Furthermore, the UNR medical school was not mandated by the Nevada Constitution, but is a creature of the joint approval of the Board of Regents, the Legislature and the Governor. Ms. Evans directly benefits from this governmental approval. Private sector medical schools would have to compete against this government juggernaught in order to establish themselves. In fact, the taxing power of the state is so great that there is only one private university, Sierra Nevada College, located in the wealthiest part of Northern Nevada, Incline Village, that is able to compete with the state power. The sovereign power of the state to tax affects every citizen of Nevada, regardless of whether they attend the University or not. This is quite different from a private business, which must gain revenue from those who use its products or services, or who wish to voluntarily invest or donate to it. Ms. Evans uses the

power of the state as one of her prime strategies in soliciting donations from the private sector. She does not have to worry about competition in respect to the existence of the medical school because the sovereign power of the state is with her.

Furthermore, she benefits directly from the Nevada revised statutes (N.R.S. section 630) that mandate state licensing for medical practice, and elevates one branch of the healing arts, known as allopathic medicine, and one subset of practioners within that branch of medicine or healing, the physician, above all others. Occupational licensure is an expensive,inefficient and counterproductive way to promote the public welfare, and many economists, beginning with Nobel prize winning economist Milton Friedman, ascribe much of the blame for rising medical costs in this country to state licensing laws and regulations. Jan Evans' position within the bureaucracy partakes of sovereign state power in that the private sector must take notice of medical licensure, and the state's role in limiting competition and the free market in medicine. There is right now in Reno a notorious case of a healing practitioner who is being prosecuted by the State of Nevada (many would say persecuted) not for fraud, negligence, or gross malpractise, but precisely under the State's licensing and pharmacology laws. Ms. Evans' conflict of interest in regards to health care is aggravated substantially by her being the Chairperson of the Health and Human Services Committee of the Assembly. This is precisely the type of conflict of interest the framers of the U.S. and Nevada Constitutions were wary of when they wrote separation of powers clauses into our system of government.

The concern is presented by the Legislative Counsel Bureau on page 4 of its opinion that some overlap between the branches is necessary to preserve a Citizen or part-time legislature. This argument is specious for the following reasons:

State employees, in respect to their employment, are <u>not</u> Citizens. They are Citizens with respect to their private lives, of course; they are of course able to vote and are protected by all the privileges and immunities afforded all citizens under our Constitution, Bill of Rights, and amendments. With respect to their employment as state employees, however, they are the servants of the Citizens of Nevada and are subservient to them. The state must show or prove jurisdiction over its sovereign citizens whenever it affects them; state employees are <u>presumed</u> to be under the jurisdiction of the state and must show or prove they are not when the state tells them to perform to its wishes. State employees are legally <u>persons subject to government authority;</u> sovereign citizens may stand on their unalienable rights as existed long before the organization of the State, and can only be taken from them by due process of law, and in accordance with the Constitution. To have a legislature of state employees described as a "Citizen" legislature is therefore an oxymoron; a contradiction in terms. It is to have a legislature of those who look to the state for their sustenance, and not to the free marketplace; a legislature that is attuned to the bureaucratic way of regulations and command, and not the free citizen's way of individual choice and the spontaneous order of the changing marketplace. The burden of taxation that is felt by the Citizen even to the point of possibly ruining his business is felt only as a benefit by the state employee. Much has been made in the reply by the Legislative Counsel Bureau to my challenge that our sister State of California has ignored their Separation of Powers Doctrine and has allowed state employees in their Legislature. I reply yes, but to what end? Has this preserved in that state a part-time citizen Legislature? The answer is clearly no. State employees in the California Legislature have contributed to the creation of a permanent, professional Legislature which has become so oppressive that thousands of citizens and businesses are fleeing that once-free state for Nevada and other states. The people of California have had to rise up and place powerful restrictions on their Legislature by Initiative such as Proposition 13, and strict term limits. Perhaps that could have been averted if their Constitution had been better enforced by their Courts, and state employees had been kept out of their Legislature.

There were three Citizens who opposed Jan Evans in the last election. There is no shortage of Citizens who wish to serve their State in the Legislature. Nevada is growing, not shrinking; becoming more cosmopolitan, not more insular. If there is a need for action to preserve our part-time Citizen Legislature, why not concentrate on such things as campaign and election reform, ballot access reform, and other reforms so that all the

disparate voices in the Nevada Community can participate, and give more opportunity for diversity of opinion in the Legislature—not weaken the Constitution to allow state employees to serve.

Jan Evans has taken an oath to preserve and obey the Constitution above all else. Let her keep that oath. She should resign either her Legislative position, or her position in the Executive Branch. Failure to do so will result in further legal action.

Very truly yours,

BRENDAN TRAINOR

s/BRENDAN TRAINOR

cc

ASSEMBLYWOMAN MYRNA T. WILLIAMS
LORNE J. MALKIEWICH
JAMES DAN
DAN BECAN
RALPH HELLER

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Resolution No. 4—Providing for the appointment of an additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Nikki L. Maloney is elected as an additional attaché of the Assembly for the 67th session of the Legislature of the State of Nevada.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Carpenter, Hettrick, Ernaut and Marvel:

Assembly Bill No. 194—An Act relating to the state fire marshal; reducing the population threshold of counties in which the state fire marshal has primary jurisdiction; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Myrna Williams, Dini, Ernaut, Hettrick, Heller, Carpenter, Segerblom, Neighbors, Schneider, Porter, Bennett, Wendell Williams, Augustine, Giunchigliani, Gibbons, Anderson, Haller, Regan, Price, Perkins, Marvel, Garner, Gregory, Petrak, Kenny, Freeman, de Braga, Scherer, Bache, Smith, Bonaventura, Spitler, Arberry, Toomin, Evans, Chowning, Collins and Tiffany:

Assembly Bill No. 195—An Act relating to limitation of actions; eliminating the period of limitation for the commencement of a civil action by an heir of the deceased when the person against whom the action is brought has been found responsible for the death in a criminal proceeding; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bonaventura, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Allan Maxwell.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Phillip Vlibarri.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. John Glimmerveane.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Nell Tiantolo, Tara Buscher, Diana Ross, Mesdames Heidi Adams, Cindy May, Jill Hinton, Messrs. Ron Daniels, Mark Horton and the following students from Elizabeth Lenz Elementary School: Dawn Adams, Daniel Auld, Courtney Barnett, Heather Briggs, Lee Cofer, Russell Craig, Stan Davis, Erin Gustavson, Vanessa Hartley, Alicia Lerud, Aaron Mahinay, Nick Maus, Sarah May, Liz Nightingale, Scott Orth, Michelle Peaden, David Rose, Jared Taylor, Katie Testa, Valerie Tompkins, Ture Turnbull, Chris VanLydegrof, Adrienne Basta, Jeremy Burke, Molly Day, Kristina Dulcey, Brieanna Ellis, Nick Batchelor, Marci Drake, Kevin Gervais, D. J. Heidtman, Sean Kinsley, Ryan Leyba, Aaron Pixley, Tia Tarantolo, Greta Tendeland, Steve LaRose, Matt Navai, Aaron Smith, Nathan Tatar, Jared Wilson, J. J. Acum, Joey Adams, Josh Arias, Brian Balzar, Heath Bernard, Adam Binker, Josh Boyden, Ryan Daniels, Heather Dornoff, Sara Dunn/Frey, Jon Fry, Natalie Hardman, Greg Hinton, Deanna Jensen, Sean McVickers, Kelly Newcomb, Colby Nicholson, Ben Shores, Sara Smith, Peter White and Cody Williams.

Assemblyman Bennett moved that the Assembly adjourn until Thursday, February 4, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:03 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE EIGHTEENTH DAY

CARSON CITY (Thursday), February 4, 1993

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Haller, who was excused.

Prayer by the Chaplain, The Reverend Tom Hutson.

Our God, we look to You at the beginning of this day; asking that it might be productive and satisfying. Some of the work may be difficult. Give Your help, that it may be done well. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 32, Assembly Joint Resolutions Nos. 2, 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 45, 75, 86, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 3, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 11.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Assembly Bill No. 2 be placed on the Second Reading File.

Remarks by Assemblyman Freeman.

Motion carried.

By Assemblymen Petrak, Regan, Bache, Bonaventura, Bennett, Schneider, Porter, Wendell Williams, Segerblom, Carpenter, Neighbors, Smith, Toomin, Augustine, Heller, Perkins, Hettrick, Price, Collins, Gregory, de Braga, Chowning, Scherer, Arberry, Spitler, Giunchigliani, Anderson, Haller, McGaughey, Sader, Evans, Garner, Lambert, Myrna Williams, Ernaut, Freeman, Gibbons, Marvel and Dini:

Assembly Concurrent Resolution No. 12—Urging the Commissioner of Insurance to encourage insurers who issue policies of health insurance to offer policies with reduced premiums for selected limited coverage to certain persons.

Assemblyman Petrak moved that the resolution be referred to the Committee on Commerce.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:12 a.m.

ASSEMBLY IN SESSION

At 11:21 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 196—An Act relating to gaming; eliminating the restriction on the number of times that a charitable or educational organization may operate a gambling game; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 197—An Act relating to county hospitals; limiting the liability of a county under certain circumstances for medical services provided to indigent persons; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 198—An Act relating to local improvements; revising the procedure for refunding surplus money from local improvement districts; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Gregory, Scherer, Heller, Anderson, Bonaventura, Regan, Schneider, Collins, Smith, Petrak, Toomin, Gibbons, Sader, Porter, Carpenter, Lambert, McGaughey, Augustine, Hettrick, Dini, Neighbors, Perkins, Spitler, Arberry, Wendell Williams, Marvel, Evans, Tiffany, Chowning, Humke, Ernaut, Kenny, Giunchigliani, Myrna Williams, Freeman, Bache, Bennett, Price, de Braga and Segerblom:

Assembly Bill No. 199—An Act relating to crimes against the person; creating the crimes of stalking and aggravated stalking; authorizing a court to issue certain protective orders; providing penalties; and providing other matters properly relating thereto.

Assemblyman Gregory moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Augustine, Gregory, Gibbons, Ernaut, Lambert, Freeman, Wendell Williams, Bennett, Porter, Kenny, Petrak, Anderson, Haller, Toomin, Marvel, Spitler, Hettrick, Collins, Heller, Carpenter, Scherer, Arberry, Sader, Segerblom, Evans, de Braga, Tiffany, Smith, McGaughey, Schneider, Regan, Chowning, Bache, Humke, Giunchigliani, Myrna Williams, Neighbors, Bonaventura, Garner and Price:

Assembly Bill No. 200—An Act relating to motor vehicles; requiring the divisions of the department of motor vehicles and public safety to exchange information from applications for driver's licenses to identify persons who may have unlawfully failed to register motor vehicles in this state; authorizing the department, under certain circumstances, to compel a person's attendance at an administrative hearing to show cause why a motor vehicle is not registered in this state; and providing other matters properly relating thereto.

Assemblyman Augustine moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Ernaut, Marvel, Hettrick, Heller, Humke, Regan, Gibbons, Gregory, Tiffany, Scherer, Lambert, Bennett, Augustine, Collins, Carpenter, Chowning, Segerblom, de Braga, Price, Anderson, Evans, Schneider, Porter, Neighbors, Dini, Kenny, McGaughey, Freeman and Bonaventura:

Assembly Bill No. 201—An Act relating to the state budget; requiring the interim finance committee to establish a program of fundamental reviews of all state agencies; requiring state agencies to cooperate fully and provide requested information; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Price, Dini, Arberry, Bennett, Scherer, Spitler, Myrna Williams, Chowning, Smith, Freeman, Anderson, Haller, Lambert, Bache, Garner, Toomin, Wendell Williams, Collins, de Braga, Regan, Perkins, Petrak, Hettrick, Augustine, Segerblom, Ernaut, Carpenter, Schneider, Neighbors, Evans, Sader, Tiffany, Gregory, McGaughey, Kenny, Marvel, Giunchigliani, Porter, Heller, Humke, Gibbons and Bonaventura:

Assembly Bill No. 202—An Act relating to the state legislature; requiring the immediate disclosure on the weekly list of bill draft requests of the name of a legislator who requests the preparation of a legislative measure; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 11.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 2 be taken from the Second Reading File, that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 2 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 32; Assembly Joint Resolutions Nos. 2, 5, be considered engrossed, declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Sader moved that Assembly Bill No. 79 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 29.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Bill No. 29:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 29 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 2.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Assembly Bill No. 2:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 2 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 32.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 32:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 32 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 2.

Resolution read third time.

Remarks by Assemblymen Garner, Freeman and Hettrick.

Roll call on Assembly Joint Resolution No. 2:

YEAS—38.

NAYS—Freeman, Segerblom—2.

Absent—Haller.

Not voting—Scherer.

Assembly Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:45 a.m.

ASSEMBLY IN SESSION

At 11:46 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 5.
Resolution read third time.
Remarks by Assemblymen Garner and Dini.
Roll call on Assembly Joint Resolution No. 5:

YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Joint Resolution No. 5 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Resolution ordered transmitted to the Senate.

Assembly Bill No. 79.
Bill read third time.
Remarks by Assemblyman Smith.
Roll call on Assembly Bill No. 79:

YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 79 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Mark Bouchurd.

Assemblyman Porter moved that the Assembly adjourn until Friday, February 5, 1993 at 10:30 a.m.
Motion carried.

Assembly adjourned at 11:51 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE NINETEENTH DAY

CARSON CITY (Friday), February 5, 1993

Assembly called to order at 10:30 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter, Haller and Schneider, who were excused.

Prayer by the Chaplain, The Reverend Tom Hutson.

Dear Lord, help us to come seeking Your guidance, not just asking You to bless what we have already decided to do. Grant safe travel to those who will be traveling this weekend. Be with us now and always. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 166, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 52, 56, 92, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 44, 146; Assembly Joint Resolution No. 21 of the 66th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 4, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 11.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Marvel, Dini, Heller, Porter, Arberry, Spitler, Schneider, Price, Gregory, Augustine, Hettrick, Petrak, Perkins, Regan, Ernaut, Carpenter, Bennett, Garner, Smith, Sader, Wendell Williams, Evans, Myrna Williams, Giunchigliani, McGaughey, Kenny, Toomin, Humke, Scherer, Chowning, Anderson, Haller, Tiffany, Bache, Lambert, Freeman, Collins, de Braga, Gibbons, Segerblom and Neighbors:

Assembly Joint Resolution No. 14—Proposing to amend the constitution of the State of Nevada to exempt contracts for the protection or preservation of cultural resources or historic properties from the debt limitation.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 3 of article 9 of the constitution of the State of Nevada be amended to read as follows:

Sec. 3. *1.* The state may contract public debts; but such debts shall never, in the aggregate, exclusive of interest, exceed the sum of two per cent of the assessed valuation of the state, as shown by the reports of the county assessors to the state controller, except for the purpose of defraying extraordinary expenses, as hereinafter mentioned. Every such debt shall be authorized by law for some purpose or purposes, to be distinctly specified therein; and every such law shall provide for levying an annual tax sufficient to pay the interest semiannually, and the principal within twenty years from the passage of such law, and shall specially appropriate the proceeds of said taxes to the payment of said principal and interest; and such appropriation shall not be repealed nor the taxes postponed or diminished until the principal and interest of said debts shall have been wholly paid. Every contract of indebtedness entered into or assumed by or on behalf of the state, when all its debts and liabilities amount to said sum before mentioned, shall be void and of no effect, except in cases of money borrowed to repel invasion, suppress insurrection, defend the state in time of war, or, if hostilities be threatened, provide for the public defense.

2. The state, notwithstanding the [foregoing limitations,] *limitations of subsection 1,* may, pursuant to authority of the legislature, make and enter into any and all contracts necessary, expedient or advisable [for] *:*

(a) For the protection and preservation of any of its property or natural resources, or for the purposes of obtaining the benefits thereof, however arising and whether arising by or through any undertaking or project of the United States or by or through any treaty or compact between the states, or otherwise.

(b) For the protection and preservation of cultural resources or historic properties within this state, whether or not owned by the state, or for obtaining the benefits of such resources or properties.

The legislature may from time to time make such appropriations as may be necessary to carry out the obligations of the state under [such contracts,] *contracts entered into pursuant to this subsection,* and shall levy such tax as may be necessary to pay the same or carry them into effect.

Assemblyman Marvel moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Price, Evans, Dini, Marvel, Heller, Ernaut, Giunchigliani, Freeman, Wendell Williams, de Braga, Segerblom, Kenny, Gibbons, Toomin, Chowning, Humke, Tiffany, McGaughey, Gregory, Garner, Smith, Myrna Williams, Lambert, Bache, Anderson, Haller, Scherer, Perkins, Collins, Arberry, Augustine, Hettrick, Regan, Bennett, Neighbors, Sader, Bonaventura, Petrak, Schneider, Carpenter, Porter and Spitler:

Assembly Bill No. 203—An Act relating to crimes against the person; creating the crimes of stalking and aggravated stalking; authorizing a court to issue certain protective orders; providing penalties; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Wendell Williams:

Assembly Bill No. 204—An Act relating to governmental torts; prohibiting a court under certain circumstances from entering an order or judgment which limits public access to certain records filed with the court; declaring voidable any provision of a settlement agreement requiring the concealment of certain information regarding the tortious conduct of a governmental entity; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Porter, Chowning, McGaughey, Marvel, Gibbons, Humke, Hettrick, Bonaventura, de Braga, Regan, Perkins, Neighbors, Carpenter, Ernaut, Smith, Myrna Williams, Kenny, Collins, Toomin, Anderson, Haller, Tiffany, Bache, Lambert, Sader, Scherer, Heller, Spitler, Bennett, Augustine, Wendell Williams, Petrak, Segerblom, Schneider, Arberry, Garner, Freeman, Gregory, Giunchigliani, Evans and Price:

Assembly Concurrent Resolution No. 13—Commemorating the birthday of Abraham Lincoln.

WHEREAS, February 12, 1993, is the birthday of Abraham Lincoln, the 16th President of the United States; and

WHEREAS, Lincoln is a significant figure in the history of this state, Nevada having acquired statehood during his term of Presidency; and

WHEREAS, Lincoln was a man who suffered untold hardship, deprivation, discouragement and personal criticism during his life, yet he never ceased to retain his high standard of personal integrity and achievement in the face of such adversity; and

WHEREAS, Lincoln possessed, and was able to project and kindle in others, an incisive awareness of the equality of all men, regardless of race, religion, creed or previous condition of servitude; and

WHEREAS, The great works of his life, accomplished through tireless dedication, have made him unequivocally one of the finest and most equitable men to have served, or ever to serve as President of the United States; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That when this body adjourns today it does so in honor of the birthday of Abraham Lincoln.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblyman Porter.

Resolution adopted unanimously.

Assemblyman Porter moved that all rules be suspended and that Assembly Concurrent Resolution No. 13 be immediately transmitted to the Senate.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 12.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 19.

Amend section 1, page 1, line 2, by deleting "The" and inserting: "[The] *Except as otherwise provided in this subsection, the*".

Amend section 1, page 1, by deleting lines 4 and 5 and inserting: "for the furnishing of supplies, materials and equipment for not more than 1 year. *If an extended contractual period is necessary to promote the use of a manufacturing process which emphasizes the efficient use of energy or to promote the manufacture of products which use recycled materials, the chief may enter into such a contract for not more than 3 years.*".

Amend the title of the bill by deleting the first and second lines and inserting: "An Act relating to state purchasing; increasing the".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 45.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 10.

Amend section 1, page 1, by deleting lines 9 and 10 and inserting: "parents [have limited knowledge of] *and* the prospective adoptive parent or parents [.] *have knowledge of each other.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 75.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 4.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 393.070 is hereby amended to read as follows:

393.070 1. It is unlawful for any person:

(a) Willfully and maliciously to injure, mark or deface any public schoolhouse, its fixtures, books or appurtenances;

(b) To commit any nuisance in any public schoolhouse;

(c) To loiter on or near the school grounds; or

(d) Purposely and maliciously to commit any trespass upon the grounds attached to a public schoolhouse, or any fixtures placed thereon, or any enclosure or sidewalk about the same.

2. [Any] *Except as otherwise provided in subsection 3, any* person violating any of the provisions of this section shall be guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the property damaged or destroyed and in no event less than a misdemeanor.

3. Any person who is in possession of a dangerous weapon during his commission of a violation of paragraph (b), (c) or (d) of subsection 1 shall be guilty of a gross misdemeanor.

4. As used in this section:

(a) "Dangerous knife" means a knife having a blade that is 2 inches or more in length when measured from the tip of the knife which is customarily sharpened to the unsharpened extension of the blade which forms the hinge connecting the blade to the handle.

(b) "Dangerous weapon" means:

(1) An explosive or incendiary device;

(2) A dirk, dagger, switchblade knife or dangerous knife;

(3) A nunchaku or trefoil;

(4) A blackjack or billy club or metal knuckles; or

(5) A pistol, revolver or other firearm.

(c) "Explosive or incendiary device" has the meaning ascribed to it in NRS 202.260.

(d) "Nunchaku" has the meaning ascribed to it in NRS 202.350.

(e) "Switchblade knife" has the meaning ascribed to it in NRS 202.350.

(f) "Trefoil" has the meaning ascribed to it in NRS 202.350.".

Amend the title of the bill to read as follows:

"An Act relating to school property; enhancing the penalty for certain crimes if a dangerous weapon is possessed during the commission of the crime; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"Summary—Enhances penalty for certain crimes committed on school property if dangerous weapon is possessed during commission of crime. (BDR 34-277)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblymen Sader, Collins and Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 86.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 14.

Amend section 1, page 1, by deleting lines 2 through 9 and inserting:

"134.007 *1.* No person convicted of the murder of the decedent is entitled to succeed to any portion of the decedent's estate. The portion to which [he] *the convicted person* would otherwise be entitled to succeed goes to the other persons entitled to it under the provisions of this chapter.

2. If:

(a) The death of a person precludes his trial for the murder of a decedent; and

(b) The court which is distributing the decedent's estate determines, based on a preponderance of the evidence, that he committed the murder of the decedent,

he is not entitled to succeed to any portion of the decedent's estate. The portion to which he would otherwise have been entitled to succeed goes to the other persons entitled to it under the provisions of this chapter.".

Amend the bill as a whole by adding new sections designated as sections 2 and 3, following section 1, to read as follows:

"Sec. 2. NRS 111.067 is hereby amended to read as follows:

111.067 *1.* No person convicted of the murder of a decedent is entitled to any part of the decedent's share of a joint tenancy. If there is no other joint tenant, the tenancy becomes a tenancy in common and the share of the decedent becomes part of [his] *the decedent's* estate.

2. If:

(a) The death of a person precludes his trial for the murder of a decedent; and

(b) The court which is distributing the decedent's estate determines, based on a preponderance of the evidence, that he committed the murder of the decedent,

he is not entitled to any part of the decedent's share of a joint tenancy. If there is no other joint tenant, the tenancy becomes a tenancy in common and the share of the decedent becomes part of the decedent's estate.

Sec. 3. NRS 688A.420 is hereby amended to read as follows:

688A.420 *1.* No person convicted of the murder of a decedent is entitled to any part of the proceeds of a policy of insurance on the life of the decedent. If there is no beneficiary named in the policy to whom the proceeds are to be paid if the convicted person cannot or may not receive them, the proceeds must be placed in the estate of the decedent.

2. If:

(a) The death of a person precludes his trial for the murder of a decedent; and

(b) The court which is distributing the decedent's estate determines, based on a preponderance of the evidence, that he committed the murder of the decedent,

he is not entitled to any part of the proceeds of a policy of insurance on the life of the decedent. If there is no beneficiary named in the policy to whom the proceeds are to be paid if the convicted person may not receive them, the proceeds must be placed in the estate of the decedent.".

Amend the title of the bill to read as follows:

"An Act relating to succession; prohibiting a person from succeeding to the property of a decedent if the court distributing the estate determines that he murdered the decedent; making such a person ineligible to succeed under a joint tenancy or as the beneficiary of a policy of life insurance; and providing other matters properly relating thereto.".

Assemblyman Sader moved the adoption of the amendment.
Remarks by Assemblyman Sader.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Kerry Haggard and Katherine Haggard.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Lonnie Karges, Chris Wulff, Terrie Williams, Vicki Armstrong, Kim Bridegum, Delores Bliese and Mr. Wilson Scott and the following students from Bethlehem Lutheran School: Jovon Halen, Adriane Henningsen, Karen Parmenter, Aaron Schnaible, Katie Williams, Ryan Vallandingham, Audra Zakzeski, Tyrel Armstrong, Robert Dean, Rebecca Demel, Tracey Fichtner, Erin Fitzgerald, Ashley Goulart, Lisa Hass, J. R. Maire, Jay Scott, Kevin Boschult, Doug Brooks, Jamie Bridegum, Caleb Geseck, Walter Heitman, Amy Martin, Andrew Nixdorf, Justin Scott, Laura Wulff and Joey Zakzeski.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Dorothy Peterson.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Steve Carroll.

Assemblyman Porter moved that the Assembly adjourn until Monday, February 22, 1993 at 11 a.m., and that it do so in honor of Abraham Lincoln's birthday and in memory of Patricia Baltz and Nellie Thompson.
Motion carried.

Assembly adjourned at 10:57 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE THIRTY-SIXTH DAY

CARSON CITY (Monday), February 22, 1993

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken Haskins.

To Him who was and is and ever shall be, we give praise. We marvel at the majestic and detailed works of Thy hands. We seek Thy help to take on the challenging tasks set before us this day because Thou doest all things well. Rest Your spirit upon these representatives, bestowing upon them the wisdom, courage and compassion to promote the best interest of those they have been elected to represent. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 160, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 5, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 13.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 113, 120, 131, 134, 135, 136.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 7 of the 66th Session.

MARY JO MONGELLI
Assistant Secretary of the Senate

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2801, February 11, 1993

THE HONORABLE JOSEPH DINI, *Speaker,* Capitol Complex, Carson City, Nevada 89710

DEAR SPEAKER DINI:

I request the honor of addressing the Nevada Legislature during a joint session on Monday, March 1st at 10:30 a.m. As you know, there are many issues under consider-

ation in the Congress which are of vital interest to Nevadans. I would consider it a privilege to deliver my views on these issues to Nevada's lawmakers.

Sincerely,

JAMES H. BILBRAY
Member of Congress

UNITED STATES SENATE

WASHINGTON, D.C. 20510, February 10, 1993

THE HONORABLE JOSEPH E. DINI, JR., *Speaker of the Assembly,* Capitol Complex, Carson City, Nevada 89710

DEAR MR. SPEAKER:

I can appreciate from my own days of service in the Nevada Legislature the formidable task you and your colleagues now face as you deal with the problems of our growing state. I would like to request the opportunity to address the Nevada Legislature in a joint session on Monday, March 8, at 11:30 a.m., to discuss some of the federal issues you may find important to your decision making. I look forward to seeing you and your esteemed colleagues again soon.

Sincerely,

HARRY REID
United States Senator

CONGRESS OF THE UNITED STATES

HOUSE OF REPRESENTATIVES

WASHINGTON, D.C. 20515, February 16, 1993

THE HONORABLE JOSEPH DINI, *Speaker,* Nevada Legislature, Capitol Complex, Carson City, Nevada 89710

DEAR ASSEMBLYMAN DINI:

I would like the privilege of addressing the Joint Session of the Senate and Assembly on March 22, 1993 at 11:30 a.m.

Sincerely,

BARBARA F. VUCANOVICH
Member of Congress

UNITED STATES SENATE

WASHINGTON, D.C. 20510-2804, February 16, 1993

THE HONORABLE JOSEPH E. DINI, JR.. *Speaker of the Assembly,* Nevada State Legislature, Capitol Complex, Carson City, Nevada 89710

DEAR JOE:

I would like to respectfully request the privilege and honor to address the Nevada State Legislature in Joint Session on April 5, 1993 at 11:30 a.m. I appreciate the opportunity to address the session and look forward to seeing you soon.

Sincerely,

RICHARD H. BRYAN
United States Senator

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Porter, Chowning, McGaughey, Marvel, Gibbons, Hettrick, Humke, Bonaventura, de Braga, Regan, Perkins, Neighbors, Carpenter, Ernaut, Myrna Williams, Kenny, Smith, Collins, Toomin, Anderson, Haller, Tiffany, Bache, Lambert, Sader, Scherer, Heller, Spitler, Bennett, Wendell Williams, Augustine, Petrak, Segerblom, Schneider, Arberry, Garner, Freeman, Gregory, Giunchigliani, Evans and Price:

Assembly Concurrent Resolution No. 14—Commemorating the birthday of George Washington, our country's first President.

WHEREAS, On this day, February 22, it is fitting to commemorate the birth of George Washington, mindful that George Washington's spirit of nobility, tenacity of purpose, and inventiveness under stress embodies the purpose and ideals of this country; and

WHEREAS, The fortitude with which George Washington met overwhelming difficulties stemmed from his faith in the cornerstones upon which this country was founded; and

WHEREAS, Although George Washington could not have perceived the growth of this country or the impact it would have on other countries, he was determined that this country would prove it was worthy of the liberty it had gained; and

WHEREAS, George Washington initiated the direction of America, realizing as early as 1776 that for America to become a respected and strong nation, it would have to strive to eliminate partisanship, prejudice and jealously; and

WHEREAS, As this nation looks to the future with hope and optimism, the members of the Nevada Legislature, the residents of Nevada and the citizens of the United States should remember the accomplishments of our first President, and those who have followed in his footsteps, and never stray from the course that George Washington paved for this country 217 years ago; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That when this body adjourns today it do so in the memory of George Washington, who will always be considered one of the world's great leaders.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblyman Porter.

Resolution adopted unanimously.

Assemblyman Porter moved that all rules be suspended and that Assembly Concurrent Resolution No. 14 be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Bache, Collins, Kenny, Bonaventura, McGaughey, Smith, Anderson, Price, Haller, Wendell Williams, Chowning, Freeman, Scherer, Perkins, Toomin, Lambert, Neighbors, Segerblom, Carpenter, Hettrick, Petrak, Myrna Williams, Giunchigliani, Arberry, Bennett, Spitler, Schneider, de Braga, Dini, Marvel, Evans, Humke, Garner, Sader, Regan and Porter:

Assembly Bill No. 205—An Act relating to industrial insurance; eliminating the exemption of certain contractors from the provisions of the industrial insurance law for employees who are hired outside of this state to work temporarily in this state; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblyman Bache (by request):

Assembly Bill No. 206—An Act relating to the committee on benefits; requiring the legislative auditor to conduct a performance audit of the state's program of group health insurance that is provided by the committee on benefits through a plan of self-insurance; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:17 a.m.

ASSEMBLY IN SESSION

At 11:54 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 49, 65, 67, 85, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 15—Memorializing tennis great Arthur Ashe.

WHEREAS, On February 6, 1993, the world suffered a grievous loss by the death of 49-year-old Arthur Ashe, world-famous tennis star for the past 30 years; and

WHEREAS, Arthur Ashe not only gained the respect and admiration of millions of sports enthusiasts by his legendary career in tennis, but his gracious demeanor and gentle spirit endeared him to people both within and outside of the sports world; and

WHEREAS, Arthur Ashe gained national attention in August 1963 when he was named to the United States Davis Cup team; and

WHEREAS, Arthur Ashe was the only black man in history to win both the Wimbledon championship and the United States Open; and

WHEREAS, After being infected with the human immunodeficiency virus from an unscreened blood transfusion during heart bypass surgery in 1983, Arthur Ashe founded the Arthur Ashe Foundation for the Defeat of AIDS and joined the boards of the Harvard AIDS Institute and the UCLA AIDS Institute; and

WHEREAS, Arthur Ashe faced this life-threatening disease head on with dignity and courage, using his final years to combat racial injustice and advocate expanded research into the deadly AIDS virus; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the condolences of the members of this 67th session of the legislature of the State of Nevada are hereby extended to the surviving family and friends of the late Arthur Ashe; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Arthur Ashe's spouse, Jeanie Ashe.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblyman Giunchigliani.

Resolution adopted unanimously.

By the Committee on Education:

Assembly Concurrent Resolution No. 16—Supporting the national educational goals established by President Bush, as modified for the State of Nevada.

Assemblyman Wendell Williams moved that the resolution be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Concurrent Resolution No. 17—Urging all public schools in the State of Nevada to participate in the Nevada School Improvement Project established by the Department of Education.

Assemblyman Wendell Williams moved that the resolution be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Concurrent Resolution No. 18—Urging the boards of trustees of all county school districts to adopt daily class schedules for public elementary schools which include a fixed period of uninterrupted teaching time during each school day.

Assemblyman Wendell Williams moved that the resolution be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Concurrent Resolution No. 19—Urging the State Board of Education to adopt a policy of cooperation to facilitate the diagnosis and treatment of pupils with attention deficit hyperactivity disorder.

Assemblyman Wendell Williams moved that the resolution be referred to the Committee on Education.

Motion carried.

Senate Joint Resolution No. 7 of the 66th Session:

Assemblyman Porter moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Spitler, Evans, Bennett, Arberry, Humke, Dini, Marvel, Myrna Williams, Tiffany, Heller, Giunchigliani, Perkins, Price, Bache, Lambert, de Braga, Garner, Freeman, Ernaut, Porter, Kenny, Gibbons, Schneider, Neighbors, Carpenter, Augustine, Hettrick, Collins, McGaughey, Regan, Gregory, Scherer, Wendell Williams, Anderson, Haller, Chowning, Segerblom, Petrak, Smith and Toomin:

Assembly Bill No. 207—An Act relating to education; requiring the establishment of a course of study in American Sign Language in public schools; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Dini, Neighbors, Carpenter, Marvel, Collins, de Braga, Gibbons, Hettrick, Ernaut, Heller and Segerblom:

Assembly Bill No. 208—An Act making an appropriation to the commission on economic development for distribution to the Rural Nevada Development Corporation; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Wendell Williams and Arberry:

Assembly Bill No. 209—An Act relating to arrests; revising provisions relating to the use of deadly force; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Dini, Heller and Ernaut:

Assembly Bill No. 210—An Act relating to solicitation by telephone; exempting from the provisions governing such solicitation a person who solicits the sale of services as a resident agent or services relating to incorporation; and providing other matters properly relating thereto.

Assemblyman Heller moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 211—An Act relating to drugs; revising certain provisions relating to persons authorized to possess and administer controlled substances and dangerous drugs; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 212—An Act relating to hospitals; requiring the state board of health to adopt regulations requiring a hospital to include physicians on the board of directors of the hospital; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 213—An Act relating to elections; authorizing a nonpartisan voter to vote for candidates of a major political party in a primary election if that party does not prohibit nonpartisan voters from voting for its candidates; requiring the state central committee of each major

political party to notify the secretary of state in writing whether it will prohibit nonpartisan voters from voting for its candidates in the primary election; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 214—An Act relating to elections; eliminating the provision which establishes a different date for the close of registration in a county which uses a computer to register voters and keep records of the registration of the county's voters; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Education:

Assembly Bill No. 215—An Act relating to education; requiring the state board of education to establish a course of study relating to home and occupational skills; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 216—An Act relating to education; providing that the fund for the enhancement of occupational education be used for programs for pupils in certain grades; requiring the state board for occupational education to make certain allocations from the fund annually; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 217—An Act relating to postsecondary education; requiring a postsecondary educational institution not licensed to operate in this state to be accredited before an agent of the institution may be granted an agent's permit; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 218—An Act relating to the University of Nevada System; prohibiting the imposition of parking fees by the board of regents of the University of Nevada System upon an employee of the system; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 219—An Act relating to private postsecondary education; revising the fees charged by the commission on postsecondary education; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 220—An Act relating to education; requiring the state board of education to establish a program for the referral of pupils believed to have attention deficit hyperactivity disorder to physicians for diagnosis and treatment; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 221—An Act relating to health care; requiring, under certain circumstances, the informed consent of a parent or guardian of a minor before certain controlled substances may be prescribed or administered to the minor; requiring the state board of health to prepare forms for informed consent to be used by physicians prescribing such treatment; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 222—An Act relating to education; requiring the state board of education to provide a training program for certain members of the boards of trustees of local school districts; requiring the state board to adopt regulations concerning the training; requiring certain trustees to attend the training; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 223—An Act relating to educational personnel; specifying the minimum number of persons to be appointed to the list of hearing officers maintained by the state board of education; requiring that vacancies on the list be filled expeditiously; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 224—An Act relating to public schools; requiring school districts to employ crossing guards; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 225—An Act relating to crimes; making the crime of burglary with the intent to commit petit larceny a misdemeanor; clarifying that certain other provisions apply to burglary which is punished as a felony; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 226—An Act relating to crimes against property; establishing a monetary threshold for imposing penalties for the crime of forgery; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 227—An Act relating to criminal extradition; authorizing a law enforcement agency in this state to return a person to another state without an extradition proceeding if that person has executed a waiver of extradition in the state requesting his return; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 228—An Act relating to criminal procedure; allowing all prosecuting attorneys to issue subpenas for witnesses; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 229—An Act relating to juveniles; expanding the applicability of the provision authorizing the suspension or delay in issuance of the driver's license of any juvenile who is convicted of certain crimes

related to alcohol or controlled substances; temporarily making that provision mandatory; authorizing the issuance of a restricted license under certain circumstances; providing for the dissemination of information regarding certain statutory provisions; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 230—An Act relating to gaming; providing that certain uncollected baccarat commissions must be included in the computation of the gross revenue of a gaming licensee; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 231—An Act relating to children; allowing the parent with legal custody of the child to agree informally to a change in the child's physical custody; authorizing the court or master to order payment of child support by the parent with legal custody during the period the child is in the physical custody of another person; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 232—An Act relating to crimes against property; making the theft of a firearm a felony regardless of its value; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 233—An Act relating to gaming; clarifying the circumstances under which certain credit instruments qualify for exclusion from the requirement that the face value of a credit instrument be included in the computation of the gross revenue of a licensee; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 234—An Act relating to architects; revising the penalty for a first violation and increasing the penalty for a second or subsequent violation of the provisions governing architects; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 235—An Act relating to punishments; establishing and revising various fines and penalties; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 236—An Act relating to the private investigator's licensing board; allowing the board to issue citations and impose fines for unlicensed activity that requires licensure; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 237—An Act relating to chiropractors; providing for the temporary licensure of certain chiropractors; providing that the term of office for a member of the Nevada state board of chiropractic examiners is 4 years; expanding the definition of "unprofessional conduct"; establishing maximum fees that may be charged by the board; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 238—An Act relating to deceptive trade practices; expanding the definition of "deceptive trade practice" to include excessive charges for placing the name of a vendor or supplier on a list of approved vendors or suppliers; providing penalties; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 239—An Act relating to interest on money; imposing a limitation on rates of interest for certain loans; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 240—An Act relating to insurance; prohibiting policies of insurance covering the liability of a fiduciary or person providing professional services from excluding from coverage intentional and unlawful sexual acts by the insured; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 241—An Act relating to certified public accountants; prospectively increasing the number of semester hours required for certification as a certified public accountant; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 242—An Act relating to professions; making various changes relating to the regulation of professional engineers and land surveyors; changing the name of the state board of registered professional engineers and land surveyors; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Porter, Bennett, Kenny, Bonaventura, Arberry, Garner, Myrna Williams, Scherer, Heller, Humke, Giunchigliani, Perkins and Augustine:

Assembly Bill No. 243—An Act relating to genetic testing; making it an unlawful employment practice for an employer, labor organization or employment agency to take certain actions relating to genetic testing; prohibiting such persons from requiring or administering a genetic test; prohibiting the disclosure of certain information concerning a genetic test; providing exceptions; prohibiting certain insurers from taking certain actions concerning genetic testing; providing penalties; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 113.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 120.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 131.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 134.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 135.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 136.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 44.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 52.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 11.

Amend section 1, page 1, line 9, by deleting: "*on a merchant's premises*".

Amend sec. 2, page 1, line 22, after "*or*" by inserting: "*the fair market value of the*".

Amend sec. 3, page 2, by deleting line 7 and inserting: "ises is civilly liable for [the] *:*

(a) The retail value of the merchandise [,] *; and*

(b) The fair market value of the damaged property,

plus damages of".

Amend sec. 3, page 2, line 10, by deleting "theft." and inserting: "theft [.] *or damage.*".

Amend the title of the bill by deleting the second and third lines and inserting: "or certain other crimes for the value of the stolen property; imposing civil liability for damage to property under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Imposes civil liability for value of certain stolen property and damage to certain property. (BDR 15-99)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 56.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 24.

Amend section 1, page 1, line 6, by deleting "*gross*".

Amend section 1, page 1, by deleting lines 10 and 11 and inserting: "484.377, if a violation of this section [results in] *is the proximate cause of the death of or* substantial bodily harm to any person [,] *other than himself,* the driver [is guilty of a gross misdemeanor.] *shall be punished by*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 92.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 25.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 484.3792 is hereby amended to read as follows:

484.3792 1. [Any] *Except as otherwise provided in subsection 2, a* person who violates the provisions of NRS 484.379:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless he is allowed to undergo treatment as provided in NRS 484.3794, the court shall:

(1) Except as otherwise provided in subsection [6,] 7, order him to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the department and complete the course within the time specified in the order, and the court shall notify the department if he fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484.3794, sentence him to imprisonment for not less than 2 days nor more than 6 months in jail,

or to perform 48 hours of work for the community while dressed in distinctive garb which identifies him as having violated the provisions of NRS 484.379; and

(3) Fine him not less than $200 nor more than $1,000.

The teacher of the educational course shall evaluate the offender and, if he finds the offender is an abuser of alcohol or controlled substances, he shall promptly report his findings to the court for its use.

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484.3794, the court shall sentence him to imprisonment for not less than 10 days nor more than 6 months in jail and fine him not less than $500 nor more than $1,000.

(c) For a third or subsequent offense within 7 years, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years and must be further punished by a fine of not less than $2,000 nor more than $5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. *A violation of the provisions of NRS 484.379, which is committed by a person within 7 years after he has been released from prison after serving any part of a sentence imposed for an offense punishable as a felony, shall be deemed to be a third or subsequent offense within 7 years for the purposes of this section.*

3. Any offense which occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

[3.] *4.* No person convicted of violating the provisions of NRS 484.379 may be released on probation, and no sentence imposed for violating those provisions may be suspended except, as provided in NRS 4.373, 5.055 and 484.3794, that portion of the sentence imposed that exceeds the mandatory minimum. No prosecuting attorney may dismiss a charge of violating the provisions of NRS 484.379 in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

[4.] *5.* Any term of confinement imposed under the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be

served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484.3794 and the suspension of his sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

[5.] *6.* Jail sentences simultaneously imposed under this section and NRS 483.560 or 485.330 must run consecutively.

[6.] *7.* If the person who violated the provisions of NRS 484.379 possesses a driver's license issued by a state other than Nevada and does not reside in Nevada, in carrying out the provisions of subparagraph (1) of paragraph (a) or (b) of subsection 1, the court shall:

(a) Order the person to pay tuition for and submit evidence of completion of an educational course on the abuse of alcohol and controlled substances approved by a governmental agency of the state of his residence within the time specified in the order; or

(b) Order him to complete an educational course by correspondence on the abuse of alcohol and controlled substances approved by the department within the time specified in the order,

and the court shall notify the department if the person fails to complete the assigned course within the specified time.

[7.] *8.* If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

[8.] *9.* As used in this section, unless the context otherwise requires, "offense" means a violation of NRS 484.379 or 484.3795 or homicide resulting from the driving of a vehicle while under the influence of intoxicating liquor or a controlled substance, or the violation of a law of any other jurisdiction which prohibits the same or similar conduct.

Sec. 2. NRS 484.383 is hereby amended to read as follows:

484.383 1. Except as *otherwise* provided in subsections 4 and 5, any person who drives or is in actual physical control of a vehicle on a highway or on premises to which the public has access shall be deemed to have given his consent to an evidentiary test of his blood, urine, breath or other bodily substance for the purpose of determining the alcoholic content of his blood or the presence of a controlled substance when such a test is administered at the direction of a police officer having reasonable grounds to believe that the person to be tested was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance.

2. The person to be tested must be informed that his failure to submit to the test will result in the revocation of his privilege to drive a vehicle.

3. Any person who is dead, unconscious, or otherwise in a condition rendering him incapable of refusal shall be deemed not to have withdrawn his consent, and any such test may be administered whether or not the person is informed that his failure to submit to the test will result in the revocation of his privilege to drive a vehicle.

4. Any person who is afflicted with hemophilia or with a heart condition requiring the use of an anticoagulant as determined by a physician is exempt from any blood test which may be required pursuant to this section but may be required to submit to a breath or urine test.

5. If the alcoholic content of the blood of the person to be tested is in issue, he may refuse to submit to a blood test if means are reasonably available to perform a breath test. If the person requests a blood test and the means are reasonably available to perform a breath test, and he is subsequently convicted, he must pay for the cost of the substituted test, including the fees and expenses of witnesses in court.

6. If the presence of a controlled substance in the blood of the person is in issue, the officer may direct him to submit to a blood or urine test, or both, in addition to the breath test. The officer shall inform him that his failure to submit to either or both of the blood and urine tests, as required, will result in the revocation of his privilege to drive a vehicle. A failure to submit to either or both of these tests constitutes a failure to submit to one test under this section.

7. Except as provided in subsections 4 and 6, a police officer shall not direct a person to submit to a urine test.

8. If a person to be tested fails to submit to a required test as directed by a police officer under this section, none may be given, except that if the officer has reasonable cause to believe that the person to be tested was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or a controlled substance, and that the person:

(a) Thereby caused death or substantial bodily harm to another; or

(b) Has been convicted of an offense, as defined in subsection [8] *9* of NRS 484.3792, within the previous 7 years,

the officer may direct that reasonable force be used to the extent necessary to obtain a sample of blood from the person to be tested.

Sec. 3. The amendatory provisions of section 1 of this act apply only to violations of NRS 484.379 that are committed on or after October 1, 1993.".

Amend the title of the bill to read as follows:

"An Act relating to traffic laws; providing that the offense of driving while under the influence of intoxicating liquor or a controlled substance is punishable as a felony if it is committed by a person within 7 years after he is released from prison after serving any part of a sentence imposed for certain offenses; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides that driving while under influence of intoxicating liquor or controlled substance is punishable as felony if committed within 7 years after release from prison after serving any part of sentence imposed for certain offenses. (BDR 43-984)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 146.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 166.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 28.

Amend sec. 5, page 3, line 27, by deleting "A" and inserting: "[A] *Except as otherwise provided in this subsection, a*".

Amend sec. 5, page 3, line 29, after "election." by inserting: "*A candidate for any office to be voted for at an election held after June 1995 shall file an affidavit of candidacy with the city clerk not earlier than January 1 of the year in which the election is to be held nor later than 5 p.m. on the second Tuesday in May.*".

Amend sec. 5, page 3, lines 46 and 47, by deleting: "*Tuesday following the first Monday*" and inserting "*first Tuesday*".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 21 of the 66th Session.

Resolution read second time, ordered engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 11.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Trudy Erquiaga, Emma Aguirre and Mr. Phillip McMillan and the following students from E. C. Best Elementary School, Fallon: Gene Akins, Chenille Austin, Jollen Baldwin, Ronnie Bell, Russell Conley, Justin Daniels, Shannon Davis, Susan Day, John Ennis, Shelley Ferguson, Kevin Hendrix, Derrick Hicks, Jessica Hornaday, Kimberly Kildew, Matt Lewis, David Lipnicki, Devon McMillan, Stephanie Notter, Jon Porteous, Marikris Rapista, Lyle Rogers, Johana Smith, Jennifer Southern, Danny Varella, Rick Winder and Richard DeMars; Messrs. Chris Hansen, Hal Newman, Mesdames Mary Kerstiens, Donna Riemer, Ruthanne Hoppe and the following students from Northside Elementary School, Fallon: Jessica Allen, Christina Blair, Derek Brown, Stephen Calleas, Sean Dudley, Dylan Getto, Missy Getto, Joleen Giovanetti, Brian Hegerle, Sage Hiibel, Chris Hoppe, Guy Josephs, Jordan

June, Kathy Kerstiens, Joe Lyninger, Emily Mackedon, Kara Maskew, Raeanne Moore, Rebekah Newman, Kristin Reimer, Melinda Reynolds, Jason Ruhnau, Matt Schottel, Chris Starr and Lisa Swirczek.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, February 23, 1993 at 11 a.m. and that it do so in memory of George Washington.

Motion carried.

Assembly adjourned at 12:31 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE THIRTY-SEVENTH DAY

CARSON CITY (Tuesday), February 23, 1993

Assembly called to order at 11:02 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Haller, who was excused.

Prayer by the Chaplain, The Reverend Ken Haskins.

O great and glorious heavenly Father, we, Your children, live in a complex and technical age. The right decisions and choices have never been harder to make. Guide, therefore, these Your servants so that their corporate will proves that what is good, acceptable and the perfect will of God. Lead them in the way of truth that leads to abundant life. I pray in the name of the One who is the Way, the Truth and the Life. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 22, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 14.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Government Affairs:

Assembly Joint Resolution No. 15—Proposing to amend the constitution of the State of Nevada to prohibit the state from requiring a local government to provide a new or expanded service unless a source of revenue sufficient to defray the cost of the new service or expansion is also provided.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 9 of the constitution of the State of Nevada to read as follows:

Sec. 6. 1. The legislature shall not require a county, city, town or other local government to provide a new or expanded service unless by the same law it provides a source of revenue, by appropriation or by imposition of a tax or fee payable to the local government, sufficient to defray the cost of the new service or the expansion.

2. An officer of the executive department shall not, by the exercise of any power inherent in his office or conferred upon him by the legislature, require a county, city, town or other local government to provide a new or expanded service unless by the same exercise of power he can and does provide a source of revenue payable to the local government sufficient to defray the cost of the new service or the expansion.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Augustine, Gregory, Heller, Tiffany, Ernaut, Schneider, Bennett, Wendell Williams, de Braga, Regan, Perkins, Collins, Price, Spitler, Arberry, Garner, Sader, Freeman, Smith, Lambert, Bache, Anderson, Scherer, Chowning, Haller, McGaughey, Marvel, Evans, Porter, Myrna Williams, Kenny, Giunchigliani, Gibbons, Toomin, Humke, Carpenter, Neighbors, Segerblom, Petrak, Hettrick, Dini and Bonaventura:

Assembly Joint Resolution No. 16—Urging Congress to pass legislation prohibiting each state from imposing an income tax on the income from a pension of any person who is not a resident of that state.

Assemblyman Augustine moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Giunchigliani, Chowning, Evans, Myrna Williams, Spitler, Arberry, Perkins, Heller, Humke, Dini, Price, Segerblom, Carpenter, Neighbors, Petrak, Anderson, Gibbons, Toomin, Kenny, Haller, Bache, Lambert, Scherer, Smith, Freeman, Garner, Bennett, Regan, Hettrick, Marvel, Gregory, de Braga, Collins, Augustine, Wendell Williams, Ernaut and Schneider:

Assembly Bill No. 244—An Act relating to victims of crimes; providing that identifying information concerning the victim of a sexual assault is confidential; prohibiting the release, publication or broadcast of such information; providing exceptions; authorizing a civil action against persons who unlawfully release, publish or broadcast such information; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 245—An Act relating to crimes; prohibiting the unauthorized possession, transfer or use of card evidencing eligibility to receive Medicaid benefits; providing penalties; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Petrak, Smith, Toomin, Gibbons, Gregory, Bonaventura, Sader, Anderson, Collins, Augustine, Bache, Ernaut, Kenny, Segerblom, Hettrick, Chowning, Haller, Freeman, Evans, Heller, Wendell Williams and Humke:

Assembly Bill No. 246—An Act relating to motor vehicles; revising the standard for determining when a person is operating a vehicle or vessel while intoxicated; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 247—An Act relating to administrative procedure; requiring the welfare division of the department of human resources to comply with the Nevada Administrative Procedure Act; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 248—An Act relating to local government purchasing; establishing a preference in the award of contracts for the provision of goods or services to local governments for contractors with substantial minority labor forces; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 249—An Act relating to redevelopment; expanding the authority for the private sale of bonds issued by a redevelopment agency; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 250—An Act relating to local improvements; authorizing landscaping and public lighting as projects; authorizing annual assessments for the cost of operation of landscaping and public lighting projects; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 251—An Act relating to local improvements; changing the requirements for initial plans and specifications; broadening the opportunity to impose assessments for maintenance; broadening the provision for revising assessments upon the alteration of a tract; limiting certain agreements to owners of assessable property; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 252—An Act relating to the state personnel system; authorizing collective bargaining for certain employees of the state; creating the state employee-management relations board and providing its duties; providing for mediation and arbitration for the resolution of certain disputes; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 253—An Act relating to the Nevada National Guard; enacting on the part of the State of Nevada the National Guard Mutual Assistance Counter-Drug Activities Compact; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 254—An Act relating to local improvements; clarifying and expanding the authority of local governments concerning street improvement projects; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 255—An Act relating to redevelopment; revising the requirements for notice of certain proposed changes to a redevelopment plan; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 256—An Act relating to public records; providing that the home addresses of certain public officers, public employees and their families may be made confidential; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 257—An Act relating to University of Nevada employees' retirement; clarifying the authority of the board of regents to contract

with different types of investment entities in providing a retirement program for the professional staff; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 258—An Act relating to the City of Sparks; making various changes to the city charter; making a misdemeanor under the laws of this state punishable by the city if committed therein; imposing certain residency and voting requirements upon the city attorney; revising certain provisions concerning appointive positions; changing the format for amending existing ordinances; expanding the power of the mayor and city clerk to administer oaths; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 259—An Act making an appropriation to the legislative fund for a portrait of Isaac Roop, former Governor of the Provisional Territory of Nevada; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 260—An Act making an appropriation to the health division of the department of human resources for the Special Supplemental Food Program for Women, Infants and Children; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Wendell Williams:

Assembly Bill No. 261—An Act making an appropriation to the department of education for support of the special educational needs of American Indians; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 49.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 65.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 67.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 85.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 160.
Bill read second time, ordered engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 12.
Bill read third time.
Remarks by Assemblyman Freeman.
Roll call on Assembly Bill No. 12:

YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 12 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 44.
Bill read third time.
Remarks by Assemblymen Sader and Gibbons.
Conflict of interest declared by Assemblyman Gibbons.
Roll call on Assembly Bill No. 44:

YEAS—40.
NAYS—None.
Absent—Haller.
Not voting—Gibbons.

Assembly Bill No. 44 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 45.
Bill read third time.
Remarks by Assemblyman Toomin.
Roll call on Assembly Bill No. 45:

YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 75.
Bill read third time.
Remarks by Assemblyman Regan.

Roll call on Assembly Bill No. 75:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 75 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 86.

Bill read third time.

Remarks by Assemblymen Scherer, Price, Sader and Myrna Williams.

Roll call on Assembly Bill No. 86:

YEAS—38.

NAYS—Carpenter, McGaughey, Porter—3.

Absent—Haller.

Assembly Bill No. 86 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 146.

Bill read third time.

Remarks by Assemblymen Regan, Hettrick, Gibbons and Segerblom.

Conflict of interest declared by Assemblyman Gibbons.

Roll call on Assembly Bill No. 146:

YEAS—40.

NAYS—None.

Absent—Haller.

Not voting—Gibbons.

Assembly Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 21 of the 66th Session.

Resolution read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Joint Resolution No. 21 of the 66th Session:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Joint Resolution No. 21 of the 66th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:35 a.m.

ASSEMBLY IN SESSION

At 11:56 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Health and Human Services:

Assembly Joint Resolution No. 17—Urging Congress to enact legislation allowing states greater flexibility in designing and carrying out coordinated programs of health care without having to obtain a waiver of freedom of choice from the Federal Government.

Assemblyman Freeman moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Joint Resolution No. 18—Urging Congress to give special consideration to the effect certain proposed legislation will have upon the stability and unity of families in the United States.

Assemblyman Freeman moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 262—An Act relating to the practice of pharmacy; repealing the provisions requiring a permit or license to sell certain hypodermic devices or prophylactic products; repealing certain standards and requirements for prophylactic products; repealing the requirement to record sales of hypodermic devices sold without a prescription; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 263—An Act relating to industrial insurance; defining "surviving spouse" for purposes of industrial insurance; making various other changes relating to the administration of industrial insurance; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 264—An Act relating to industrial insurance; requiring an employee to report an industrial injury to his employer; authorizing a claim for compensation to be filed only after an injured employee has sought

medical treatment; requiring a physician or chiropractor who is treating an injured employee to file a claim for compensation with the employee's employer; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 265—An Act relating to industrial insurance; excluding certain items from the definition of "accident benefits"; authorizing an employee to receive a motor vehicle as an accident benefit only under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 266—An Act relating to industrial insurance; requiring a physician or chiropractor to establish a causal relationship between a late manifesting injury or disease and an industrial accident or occupational disease before the injury or disease may be considered part of the original claim for compensation; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 267—An Act relating to industrial insurance; prohibiting an employee from receiving compensation for a disability resulting from a subsequent injury or disease unless the primary cause of the disability is an injury or disease arising out of and in the course of his employment; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 268—An Act relating to industrial insurance; eliminating the subsequent injury fund; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 269—An Act relating to industrial insurance; requiring average monthly wage to be determined using the state average weekly wage for the calendar year immediately preceding the date of injury; increasing

average monthly wage for the purpose of increasing certain death benefits and compensation received by certain claimants or dependents for permanent total disability; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 270—An Act relating to industrial insurance; placing limitations on the time during which claims for compensation or medical investigation may be reopened; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 271—An Act relating to industrial insurance; prohibiting a physician or chiropractor from referring an injured employee that he is attending to a health facility or service in which he or certain other persons have a financial interest; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 272—An Act relating to industrial insurance; providing that the attorney general has primary jurisdiction to investigate and prosecute certain violations relating to industrial insurance; requiring the attorney general to establish a fraud control unit for industrial insurance; authorizing the occupational boards of certain providers of medical care to take disciplinary action against those providers for certain fraudulent acts related to services rendered to injured employees; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 273—An Act relating to industrial insurance; broadening the offenses related to fraud that are punishable by civil or criminal action; prohibiting the state industrial insurance system from insuring certain businesses; requiring the system to pursue vigorously the collection of premiums; prohibiting distinguishing marks on certain vehicles assigned to the system; providing penalties; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 274—An Act relating to industrial insurance; providing that certain goods and services are not vocational rehabilitation services; limiting the benefits that are available to an injured employee who has voluntarily removed himself from the work force and subsequently reopens his claim for compensation; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 275—An Act relating to human services; creating the advisory committee for human services; providing its duties; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 276—An Act relating to welfare; requiring the state plan for aid to dependent children to include provisions which ensure that a person who receives aid to dependent children is allowed to retain the income he earns each month under certain circumstances without a reduction in his monthly grant of aid; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 277—An Act relating to public welfare; expanding eligibility pursuant to the state plan for assistance to the medically indigent to make ambulatory prenatal care available to a pregnant woman during a presumed period of eligibility; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 13.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Gary Lanners and Lou Buckmaster and the following students from Churchill County High School, Fallon: Donald Cunningham, Sara Ford, Mikkell Brown, Dameon Meeks, Becky Johnston, Amy Carlson, Jay Simar, Jeff Cooley, Mike Lawson, Ryan Frey, Gregory Ham, Andy Woolsey, Chris Hubbell, Josh Mathern, Joey Snyder, Dan Steadman, David Baumback, Julie Young, Cindy Escartin, Ben Mathews, Dan Ward, Matt Schoenfeldt, John Fisher, Kirsten Lytle, Jessica McCreary, Guy Morrison, Laurianne Cox, Kristina Loventzen, Ramon Perez, Deb Gastelum, Frank Munroe, Juan Renteria, Michela Sanford, Kimberly Lewis, Tralena Matson, Renee Harden, Michelle Lagg, Timm Lawson, Nishelle Carsten, Josiann Dahl, Tyson Taylor, Dustie Schoenfeldt, Kari Martin, Dominic Romano, Jeff Bryant, Joseph Bake, Jennifer Drysdale, Stephanie Dudley, Brenda Velasquez, Corey Richardson, Angie Morrison, Beth Hinsen, Jim Bone, Don Adams, Bill Clements, Josh Soderberg, Chris Thomas, Malcolm Jose, Dennis Gibbons, Bucky Rogers, Andy Fisher, Kevin Phillips, Charlie Fish, Jamie Coutino, Raquel Jones, A. J. Winklebleck, Alfred Smith, Manny LeProvost, John Conlon, Robert Anderson, Cecilia Almanza, Claudia Martinez, Cody Windriver, Frank Lima, Esselyn David, Daniel Ruiz, James Cornutt, Greg Boudah, Heather King, Melissa DeVera, Andriana Garces, Kerby Newman and Andrew Dost.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Barbara Reed.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. James Kropid and Ms. Dianne Ursick.

On request of Assemblyman Toomin, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Martin Krewinkel.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, February 24, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:05 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE THIRTY-EIGHTH DAY

CARSON CITY (Wednesday), February 24, 1993

Assembly called to order at 11 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Haller and Neighbors, who were excused.

Prayer by the Chaplain, The Reverend Ken Haskins.

Our loving, heavenly Father, there are ways that seemeth right and there are pathways of temptation that would turn our eyes away from the important tasks that we have been called to perform. Direct the paths of these legislators. Keep their eyes fixed upon the important tasks that await their attention this day. We pray in the name of the One whose word is a lamp unto our feet, a light unto our path. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 23, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 15.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 2, 32.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 7, 8.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 2.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 7.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 8.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 32.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 278—An Act relating to law libraries; authorizing an increase in filing fees in certain civil actions and administrative assessments in certain criminal actions for the support of law libraries; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 279—An Act relating to arrest warrants; authorizing a peace officer to issue a citation to the defendant rather than arresting him when executing a warrant issued upon a misdemeanor offense which has been filed against the defendant but which has never been served upon him in any manner; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 280—An Act relating to crimes; revising the provisions for effecting an arrest during the night; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 281—An Act relating to actions for medical malpractice; providing that the written findings of a screening panel are not admissible in actions filed in district court if the screening panel was unable to reach a decision; providing that the jury must not be given instructions relating to the medical evidence reviewed by the screening panel in those cases; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:07 a.m.

ASSEMBLY IN SESSION

At 11:13 a.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 183, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 282—An Act relating to local financial administration; authorizing local governments to impose property taxes, upon approval of the voters, for accumulation in a fund for capital projects to be used to finance public works; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 49.
Bill read third time.
Remarks by Assemblyman Bonaventura.
Roll call on Assembly Bill No. 49:

YEAS—40.
NAYS—None.
Absent—Haller, Neighbors—2.

Assembly Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 52.
Bill read third time.
Remarks by Assemblyman Scherer.
Roll call on Assembly Bill No. 52:

YEAS—40.
NAYS—None.
Absent—Haller, Neighbors—2.

Assembly Bill No. 52 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 56.
Bill read third time.
Remarks by Assemblymen Sader, Myrna Williams and Price.
Roll call on Assembly Bill No. 56:
YEAS—40.
NAYS—None.
Absent—Haller, Neighbors—2.

Assembly Bill No. 56 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 65.
Bill read third time.
Remarks by Assemblymen Porter and Carpenter.
Roll call on Assembly Bill No. 65:
YEAS—35.
NAYS—Carpenter, Hettrick, McGaughey, Price, Sader—5.
Absent—Haller, Neighbors—2.

Assembly Bill No. 65 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 67.
Bill read third time.
Remarks by Assemblyman Petrak.
Roll call on Assembly Bill No. 67:
YEAS—40.
NAYS—None.
Absent—Haller, Neighbors—2.

Assembly Bill No. 67 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 85.
Bill read third time.
Remarks by Assemblyman Regan.
Roll call on Assembly Bill No. 85:
YEAS—40.
NAYS—None.
Absent—Haller, Neighbors—2.

Assembly Bill No. 85 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 92.
Bill read third time.
Remarks by Assemblyman Myrna Williams.

Roll call on Assembly Bill No. 92:

YEAS—40.

NAYS—None.

Absent—Haller, Neighbors—2.

Assembly Bill No. 92 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 160.

Bill read third time.

Remarks by Assemblymen de Braga and Smith.

Roll call on Assembly Bill No. 160:

YEAS—40.

NAYS—None.

Absent—Haller, Neighbors—2.

Assembly Bill No. 160 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 166.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Assembly Bill No. 166:

YEAS—40.

NAYS—None.

Absent—Haller, Neighbors—2.

Assembly Bill No. 166 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 283—An Act relating to industrial insurance; revising the statutory provision governing which issues may be appealed to the manager of the state industrial insurance system; authorizing a person designated by the manager to hold hearings and issue administrative determinations; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 284—An Act relating to industrial insurance; permitting an employee or his dependents to commence a civil action in negligence against certain persons after accepting compensation or benefits from industrial insurance; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 285—An Act relating to industrial insurance; prohibiting the payment of benefits for a temporary total disability, a temporary partial disability and rehabilitative services to an injured employee or his dependents while the injured employee is incarcerated; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 286—An Act relating to workers' compensation; requiring that certain persons who represent an employer or employee at a hearing before an appeals officer have completed continuing legal education relating to civil procedure, evidence and workers' compensation; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 287—An Act relating to industrial insurance; prohibiting temporarily the commissioner of insurance from certifying any employer as a self-insured employer; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 14.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Hernandez, Tibbals, Loucks, Jaeger and the following students from Yerington High School, Yerington: Tonya Anderson, Tonya Balaam, Jason Barlow, Jesse Bednark, Justin Castellani, Loretta Chapman, Amy Cook, Frankie Dane, Brandy Dela Vego, Heather Dini, Sheila Gerred, Jeffrey Gloss, Never Green, David Hagen, Monica Hamlett, Hshli Harjo, Eric Henderson, Jocelyn Howell, Tomi Inderbleten, Anna Ireland, Dena Joseph, Kay Summer, Kasey Kersch, Patty Lopez, Mark Marriott, Dan McCandless, Diana Menesini, Noelia Montes, Pauline Nelson, Sean O'Keefe, Abel Ortiz, Steve Park, Kirk Peterson, Wiley Post, Allison Quartz, Roberta Rambrau, Joy Rigrey, Catina Riller, Brandon Roberts, Kathie Rubert, Sam Komeron, Danielle Sanchez, Paco Sandoval, Cherisse Simpson, Robert Simpson, Sheree Skidmore, Ruth Slip-

pey, Kelly Smith, Michael Stanton, Jason Steele, Paul Sumner, Jeannie Tiscareno, Annie Umlouf, Jullie Whitacre, Jessica Windholz, Kathy Hermanson, Robert Romo, Hugo Miranda, Ismael Sanchez, Jeri Rambeau, Shann Blandin, Lucille Hood, Kandy Paddy and Eric MacGill.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Donald Trimmer.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Gaye Johnston, Vicki Melrose, Joanne Tanner, Morena Heser, Messrs. Joe Moran, Tom Brennan and the following students from E. C. Best Junior High School, Fallon: Loni Johnston, Jennifer Lumos, Garrett Giovanetti, Randalyn Heser, Rebecca Mathews, Rebecca Novak, Julie Albright, Adrian Emm, Charlie Shepard, Amber Jones, Tyler Voss, Brett Peterson, Amanda Hurd, Julie Medrano, Lana Sappa, Kristin Weed, Clarissa Topken, Andrea Brown, Amanda Van Woert, Rob Heap, Megan Probst, Drew Schank, Cory Sorensen, Kate Tjaden, Melissa Richardson, Stacey Davenport, Lancer Brown, Christina Storbakken, Katherine Beachman, Rebecca Bankhead, Cody Grigg, Luke Newman, Jeff Mackay, Tyerra Gonzales, Amy Blanke, Kale Knittle, Kristi Lowrimore, Jana Johnson, Christiana Hellyar, Joe Myatt, Laura Stafford, Christie Casey, Angela Erb, Elizabeth Hatch, John McCormick, Samantha Albin, Theresa Amos, Chad Anglin, Amber Armstrong, Joshua Bonde, Genevieve Christie, Bien Decena, Mike Elizondo, David Flores, Guisepee Getto, Crystal Harrison, Robert Heywood, Valerie Hutchings, Christine Johnson, Wayne Keele, Mandie Lister, Kim Louie, John R. McCormick, Shannon McGinness, Heidi Munoz, Gerry Plasencio, Heather Riggins, Melissa Schneider, Candice Sorensen, Rachel Sorensen, Adam Starr, Erin Tanner, Heather Taylor, Tandy Weishaupt, Kevin Wickware, Christian Williams, Linda Young, Chris Honecker, Davey Dunkin, Lynnaday Mort, Jamie VanDyke, Jonna Vandyke and David Hanrahan.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jim Mitchell.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Arthur Johnson and Mrs. Jeanne Johnson.

Assemblyman Porter moved that the Assembly adjourn until Thursday, February 25, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 11:39 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE THIRTY-NINTH DAY

CARSON CITY (Thursday), February 25, 1993

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Haller, who was excused.

Prayer by the Chaplain, The Reverend Ken Haskins.

Our loving and gracious Father, You have ordained government and law that Your children might lead peaceful and productive lives. Bless then these servants of yours who give their full time to governing. May their efforts be fruitful as they endeavor to work hand in hand with You to enact laws that will benefit every citizen of this great state. We ask in the name of the One who is the Prince of Peace. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 62; Senate Bill No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 58, 59, 63, 142, 174, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 68, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Judiciary.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Heller, de Braga, Chowning, Humke, Gibbons, Schneider, Petrak, Gregory, Ernaut, Segerblom, Bennett, Bache, Bonaventura, Scherer, Augustine, Kenny, Giunchigliani, Perkins, Arberry, Smith,

Price, Toomin, Collins, Hettrick, Marvel, Tiffany, Evans, Myrna Williams, Carpenter, Lambert, Anderson, Haller, Spitler, McGaughey, Dini, Porter and Garner:

Assembly Joint Resolution No. 19—Proposing to amend the constitution of the State of Nevada to prescribe additional restrictions on the public employees' retirement system.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 2 of article 9 of the constitution of the State of Nevada be amended to read as follows:

Sec. 2. *1.* The legislature shall provide by law for an annual tax sufficient to defray the estimated expenses of the state for each fiscal year; and whenever the expenses of any year [shall] exceed the income, the legislature shall provide for levying a tax sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of such ensuing year or two years.

2. Any [moneys] *money* paid for the purpose of providing compensation for industrial accidents and occupational diseases, and for administrative expenses incidental thereto, and for the purpose of funding and administering a public employees' retirement system, [shall] *must* be segregated in proper accounts in the state treasury, and such [moneys shall] *money must* never be used for any other purposes, and they are hereby declared to be trust funds for the uses and purposes herein specified.

3. Any money paid for the purpose of funding and administering a public employees' retirement system must not be loaned to the state or invested to purchase any obligations of the state.

4. The public employees' retirement system must be governed by a public employees' retirement board. The board shall employ an executive officer who serves at the pleasure of the board. In addition to any other employees authorized by the board, the board shall employ an independent actuary. The board shall adopt actuarial assumptions based upon the recommendations made by the independent actuary it employs.

Assemblyman Heller moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Resolution No. 5—Providing for the appointment of additional attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Dianne Laird, Rebecca Lawson and Jeanne Peyton are elected as additional attachés of the Assembly for the 67th session of the Legislature of the State of Nevada.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Evans, Anderson, Petrak, Smith, Freeman, Wendell Williams, Perkins, Regan, de Braga, McGaughey, Scherer, Giunchigliani, Gibbons, Myrna Williams, Toomin, Haller and Bennett:

Assembly Bill No. 288—An Act relating to education; changing the name of the fund for the enhancement of occupational education; establishing requirements for the distribution of the money in that fund; requiring the state board of education and the state board for occupational education to

develop and carry out certain pilot programs for occupational education; making appropriations; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 1.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 22.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An increase must not be made to the assessed valuation of real or personal property used in connection with a business, for improvements made to an existing building for the purpose of removing barriers to the movement, safety and comfort of a person with a disability. To qualify for this exclusion, the improvement must have been made not earlier than July 1, 1990, and not later than April 1, 1995. A person who claims the benefit of this section shall file with the county assessor, on or before June 15, 1995, an affidavit setting forth the nature of the improvement and the date or dates of making it.

2. If the assessed valuation of real or personal property used in connection with a business was increased on or after July 1, 1990, because such an improvement was made, the county assessor shall, upon determining that an affidavit filed pursuant to subsection 1 meets the applicable requirements, adjust, for the ensuing and subsequent tax years, the assessed valuation of the real or personal property to reflect the exclusion.

3. For the purposes of this section, improvements for the removal of barriers include, but are not limited to:

(a) Permanent ramps leading to entrances to the premises and between levels of the business.

(b) Elevators installed for the use of a person with a disability.

(c) Handrails installed in and about the business, indoors and outdoors.

(d) Enlarged bathrooms and kitchens, and any special equipment installed in them for the benefit of a person with a disability.

(e) Other reasonable accommodations made for the comfort, convenience and safety of a person with a disability.

Sec. 2. NRS 361.087 is hereby amended to read as follows:

361.087 1. [No increase may] *An increase must not* be made to the assessed valuation of a residence [owned and] occupied by a [handicapped] person *with a disability* for improvements made to [the premises] *an existing building* for the purpose of removing [architectural] barriers to the move-

ment, safety and comfort of [the handicapped person.] *a person with a disability.* A person who claims the benefit of this section shall file with the county assessor an affidavit setting forth the nature of the improvement [, its cost] and the date or dates of making it.

2. [Improvements] *For the purposes of this section, improvements* for the removal of [architectural] barriers include , but are not limited to:

(a) Permanent ramps leading to entrances to the premises and between levels of the residence.

(b) Elevators installed in stairwells for the use of [handicapped persons.] *a person with a disability.*

(c) Handrails installed in and about the residence, indoors and outdoors.

(d) Enlarged bathrooms and kitchens, and any special equipment installed in them for the benefit of [the handicapped person.] *a person with a disability.*

(e) Other [devices installed] *reasonable accommodations made* for the comfort, convenience and safety of a [handicapped person.] *person with a disability.*

Sec. 3. 1. This act becomes effective on July 1, 1993.

2. Section 1 of this act expires by limitation on June 30, 2003.".

Amend the title of the bill to read as follows:

"An Act relating to property tax; temporarily prohibiting an increase in the assessed valuation of the real or personal property of a business when an improvement is made to remove certain barriers for persons with disabilities; broadening the application of a similar prohibition regarding improvements made to residential property; and providing other matters properly relating thereto.".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 183.

Bill read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced that the date for United States Senator Harry Reid to address the Assembly and Senate in Joint Session has been changed from Monday, March 8, 1993 to Monday, March 15, 1993 at 10:30 a.m.

Mr. Speaker announced that he will appoint Assemblyman Schneider as a permanent member of the Committee on Judiciary and Assemblyman Ernaut as a permanent member of the Committee on Government Affairs.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 15.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Jason Sanderson, Ron Reretten, Ms. Pamela Tognoti and the following students from Yerington High School, Yerington: Chris Chism, Melanie Stevens, Lea Marraccini, Kris Rife, Amy Sanford, Monica Penney, Tina Perkins, Laloni Moell, Robert Romo, Dusty Smith, Jimmy Chism, Tony Aruizo, Jacob Boweiller, Polly Munoz, La Casta Summerfield, Preston Williams, Lance West, David Halko, Jay Lee, Brent Compston, Paula Creeden, David Carr, Bryan Veil, Johnny Tescareno, Jim Dibble, Chris Meierhoff, Jonathon Boulay, Jennifer Roe, Caddie Morgan, Yvonne Watts, Tamera Pierce and Beth Ayres; Mr. Ervine Christopher, Ms. Karen Gould and the following students from Carson City New Horizons High School, Carson City: Robin Amato, Tassie Brooks, Robin Ferris, Lynda Garzoli, Jamie Henderson, Sharlene Johnson, Ana Negrete, Stacey Stump, April Tucker, Kaycee Wyffels, Jody Tanksley and Pepsi Kolar.

On request of Assemblyman Bonaventura, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Madonna Long and Mr. Brent Hart.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jackie Silveira.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Janet Busse.

Assemblyman Porter moved that the Assembly adjourn until Friday, February 26, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 11:27 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FORTIETH DAY

CARSON CITY (Friday), February 26, 1993

Assembly called to order at 11:04 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter, Haller and McGaughey, who were excused.

Prayer by the Chaplain, The Reverend Ken Haskins.

Almighty God, You did not give us a spirit of timidity, but a spirit of power, of love and of self discipline. Your spirit enables these servants of Yours with the power to stand for that which is right, with love that promotes the best interest of all and with the self discipline to resist that which would hinder them from accomplishing Your purposes, we pray in the name of Your beloved son. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 25, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate of this day passed Assembly Bills Nos. 5, 51.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 52, 54, 55, 111, 121, 151.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 97.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, February 26, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 9.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 9.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblyman Porter.

Resolution adopted.

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 20—Encouraging employers to establish programs to promote employee wellness, physical fitness and the prevention of disease and accidents.

Assemblyman Evans moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 21—Directing the Welfare Division of the Department of Human Resources to shorten the application for Medicaid and to make available applications written in Spanish.

Assemblyman Evans moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 289—An Act relating to education; requiring the board of trustees of each school district to provide daily instruction in physical education to all pupils; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Evans, Chowning, Anderson, Haller, Bache, Scherer, Toomin, Petrak and Garner:

Assembly Bill No. 290—An Act relating to education; requiring the state board of education to establish a pilot program to evaluate the feasibility of transferring the responsibility for the management of a public school to the administrators and faculty members of that school; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblyman Dini (by request):

Assembly Bill No. 291—An Act relating to estrays; authorizing cooperative agreements between the state department of agriculture and local governments regarding the placement or disposition of estrays; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen Dini and Myrna Williams:

Assembly Bill No. 292—An Act relating to unemployment compensation; revising the exemption from the provisions concerning unemployment compensation for persons who deliver or distribute newspapers or shopping news; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 293—An Act relating to gaming; providing that certain information that is given to assist the state gaming control board or the Nevada gaming commission in the performance of their respective duties is absolutely privileged; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 52.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 54.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 55.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 97.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 111.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 121.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 151.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Joint Resolution No. 22 of the 66th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 58.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 40.

Amend section 1, page 2, by deleting lines 14 and 15 and inserting:

"*10. The defendant has, in the immediate proceeding, been convicted of more than one offense of murder in the first or second degree. For the purposes of this subsection, a person shall be deemed to have been convicted of a murder at the time the jury verdict of guilt is rendered or upon pronouncement of guilt by a judge or judges sitting without a jury.*".

Amend the title of the bill to read as follows:

"An Act relating to murder; expanding the aggravated circumstances under which the death penalty may be imposed; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Expands aggravated circumstances under which death penalty may be imposed. (BDR 15-594)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 59.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 32.

Amend section 1, page 1, by deleting lines 13 and 14 and inserting: "*The* degree of force *used* is immaterial [. If used merely as a means of escape, it does not constitute robbery. Such] *, but its use must be reasonably contemporaneous with the taking. A* taking constitutes robbery whenever it".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 62.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 63.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 36.

Amend section 1, page 1, by deleting lines 10 through 16 and inserting:

"*2. In a case in which the death penalty is not sought, the parties may by stipulation waive the separate penalty hearing required in subsection 1. When stipulating to such a waiver, the parties may also include an agreement to have the sentence, if any, imposed by the trial judge. Any stipulation*

pursuant to this subsection must be in writing and signed by the defendant, his attorney, if any, and the prosecuting attorney. The stipulation must be filed with the trial court before the commencement of the trial.".

Amend sec. 2, page 2, line 9, by deleting "jury" and inserting: "jury , *trial judge upon stipulation pursuant to NRS 175.552*".

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 175.558 is hereby amended to read as follows:

175.558 [When] *Except as otherwise provided in subsection 2 of NRS 175.552, when* any person is convicted of murder of the first degree upon a plea of guilty or a trial without a jury the supreme court shall appoint two district judges from judicial districts other than the district in which the plea is made, who shall with the district judge before whom the plea is made, or his successor in office, conduct the required penalty hearing to determine the presence of aggravating and mitigating circumstances, and give sentence accordingly. A sentence of death may be given only by unanimous vote of the three judges, but any other sentence may be given by the vote of a majority.".

Amend sec. 3, page 2, line 37, by deleting "convicted of" and inserting "tried for".

Amend the title of the bill, second line, after "degree;" by inserting: "authorizing the parties, by stipulation, to waive this requirement under certain circumstances and have any sentence imposed by the trial judge;".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Sader moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:25 a.m.

ASSEMBLY IN SESSION

At 11:28 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 183 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 68.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 31.

Amend the bill as a whole by deleting sections 1 and 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 11.215 is hereby amended to read as follows:

11.215 1. An action to recover damages for an injury to a person arising from the sexual abuse of the plaintiff which occurred when the plaintiff was less than 18 years of age must be commenced within [3] *10* years after the plaintiff:

(a) Reaches 18 years of age; or

(b) Discovers or reasonably should have discovered that his injury was caused by the sexual abuse,

whichever occurs later.

2. As used in this section, "sexual abuse" has the meaning ascribed to it in NRS 432B.100.".

Amend the title of the bill to read as follows:

"An Act relating to the limitation of civil actions; extending the time in which an action for damages for injury arising from the sexual abuse of a minor may be commenced; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Extends time in which action for damages for injury arising from sexual abuse of minor may be commenced. (BDR 2-827)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Assemblyman Sader moved that Assembly Bill No. 68 be re-referred to the Committee on Judiciary.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Judiciary.

Assembly Bill No. 142.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 29.

Amend the bill as a whole by deleting sections 1 through 6 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 179.460 is hereby amended to read as follows:

179.460 1. The attorney general or the district attorney of any county may apply to a supreme court justice or to a district judge in the county where the interception is to take place for an order authorizing the interception of wire or oral communications, and [such] *the* judge may, in accordance with NRS 179.470 to 179.515, inclusive, grant an order authorizing the interception of wire or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offense as to which the application is made, when [such] *the* interception may provide evidence of the commission of murder, kidnaping, robbery, extor-

tion, bribery, destruction of public property by explosives, *a sexual offense against a child* or the commission of any offense which is made a felony by the provisions of chapter 453 or 454 of NRS.

2. A good faith reliance by a public utility on a court order shall constitute a complete defense to any civil or criminal action brought against the public utility on account of any interception made pursuant to the order.

3. As used in this section, "sexual offense against a child" includes any act upon a child constituting:

(a) Incest pursuant to NRS 201.180;

(b) Lewdness with a child pursuant to NRS 201.230;

(c) Annoyance or molestation of a child pursuant to NRS 207.260;

(d) Sado-masochistic abuse pursuant to NRS 201.262;

(e) Sexual assault pursuant to NRS 200.366;

(f) Statutory sexual seduction pursuant to NRS 200.368; or

(g) Open or gross lewdness pursuant to NRS 201.210.".

Amend the title of the bill to read as follows:

"An Act relating to communications; expanding cases in which interception of wire or oral communications may be authorized; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Expands cases in which interception of wire or oral communications may be authorized. (BDR 14-1031)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 174.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 38.

Amend section 1, page 1, by deleting lines 6 through 14 and inserting: "*visitation with the child unless the natural mother or legal guardian consents thereto and it is in the best interest of the child.*"

Amend section 1, page 1, by deleting lines 20 and 21.

Amend the bill as a whole by deleting sections 2 through 6 and renumbering sec. 7 as sec. 2.

Amend the title of the bill to read as follows:

"An Act relating to sexual assault; limiting the right of a natural father to custody of or visitation with a child conceived as the result of a sexual assault; providing an exception; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Limits right of natural father to custody of or visitation with child conceived as result of sexual assault. (BDR 11-174)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 10.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 13.

Bill read second time and ordered to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Elections and Procedures:

Assembly Bill No. 294—An Act relating to elections; extending the period for filing for office if an incumbent candidate withdraws after the close of filing; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved that the following person be accepted as an accredited press representative, and that he be assigned space at the press table and allowed the use of appropriate broadcasting facilities: Torry Sheen, KWNA Radio.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Proutsos, Gary Glogovac and the following students from Hug High School, Reno: Lisa Albertson, Arned Arnan, Georgio Bagatta, Kristen Bagley, Shelly Barber, Sherry Bird, Jill Bogle, Jill Carpenter, Shannon Chwialkowski, Eugene Corcoran, Zoe Ann Depoali, Brandy Gandy, Jamie Garrett, Jennifer Hess, Gene Kim, Dawson Lange, Joel Layco, Glenn Lemire, Crista Long, Ben Lucchesi, Jeremy McIver, Allyson McStroul, Omar Moran, Walter Neitz, Renee Rogers, Christy Scheeler, Tiffany Schiebler, Jason Shipman, Justin Tenpenny, Leland Terry, Hoa Van, Ryan Walsh, Chris Ward, Cameron White, Lidia Gonzalez, Rebecca Gunderson, Deborah Higdon, Kimberly Hooper, Erica Jardine, Alison Johnson, Mark Larkins, Kathleen Long, Lan Ly, Dustin Majtan, Susan Mowers, Stacy Perez, Tiffany Reslock, Harry Schroeder, Shaleen Srivastava, Heather Stevenson, Robert Welch II, Michelle Cary and Matt Casey.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Connie Porter and Ms. Marcie Gail Ulin.

Assemblyman Porter moved that the Assembly adjourn until Monday, March 1, 1993 at 10:15 a.m.

Motion carried.

Assembly adjourned at 11:40 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FORTY-THIRD DAY

CARSON CITY (Monday), March 1, 1993

Assembly called to order at 10:15 a.m.
Mr. Speaker presiding.
Roll called.
All present except Assemblyman Carpenter, who was excused.
Prayer by the Chaplain, Father Norman King.

Our Father, Your Son stated, "Whatever we do to the least of our brothers and sisters, we do unto Him." We pray Your hand be clear in deliberations of this assembly with what You have created. When we feel the least among us, grant us courage and hope.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.
Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 22 of the 66th Session.
Resolution read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Wendell Williams and Tiffany as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative James H. Bilbray.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:19 a.m.

ASSEMBLY IN SESSION

At 10:24 a.m.
Mr. Speaker presiding.
Quorum present.

The President of the Senate, the President pro Tempore of the Senate and Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President and President pro Tempore of the Senate to the Speaker's rostrum.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 10:30 a.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Townsend, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblyman Carpenter, who was excused.

The President of the Senate welcomed the Constitutional Officers to the Chamber.

The President of the Senate appointed a Committee on Escort consisting of Senator Neal and Assemblyman Price to wait upon Representative James H. Bilbray and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable James H. Bilbray, United States Representative for Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The President of the Senate welcomed the Representative and invited him to deliver his message.

Representative Bilbray delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA

SIXTY-SEVENTH SESSION, 1993

Mr. Speaker, Madam President, President pro Tempore, members of the Nevada Legislature, members of the Supreme Court, members of the Governor's cabinet, Attorney General, Secretary of State, honored guests and fellow Nevadans.

I appreciate being here today. I understand there are a bunch of Girl Scouts here that I would like to welcome to Carson City. And I hope in the future when you get a little older and you have an opportunity to take part in Close-up and other programs to go to Washington, you'll take advantage of that because it's great to see this Nevada Legislature in action, but it's also very interesting to see the Federal Congress in action. It's a lot bigger, but I don't think it's nearly as efficient as this legislature. They do a great job, and I'm proud to have been a member of this legislature for so many years.

I'm happy to be back, and I look out here amazed at how many new faces there are. It's only been a little over six years since I was here, and so many people have changed, and there are so many new people here. I feel that if some of you had been here to work with some of the people that really were outstanding legislators over the years, like Senator Jim Gibson who was my mentor and my friend, who helped shape me as a legislator when I served in the legislature. And people like Senator Horn that some of you served with who was my good friend; Spike Wilson and Jack Vergiels and Mel Close and Bob Robinson and both Ashworths and Floyd Lamb and people that worked over the years with us and were really people that I came to know and respect and work with. All or a lot of you are new, just like the Federal Congress—110 freshmen. It's amazing because I walk through the halls of the Congress and there are so many faces that I can't even associate whether they're democrats or republicans or from the east or the west. I always thought when I was a member of this body that I couldn't understand how the Assembly functioned with the large size of the committees compared to the seven-member committees we had in the Senate until I got to Washington and I sat on the Armed Services Committee with 52 members. I look back and say, "Geez, I can now understand how the Assembly can function." I don't know how we function. As a new member of Congress, you sit in that committee, you sit under the five-minute rule. Under the five-minute rule, every member

that's there before you and the senior members get to ask their questions first, and then they get to you. With 52 members, if you're the fifty-second member, you realize how long it is until you get to ask your question. My first year, many times I never got to ask a question. I just had to sit there and sit there for hour after hour before I could finally have the opportunity to ask questions. So you that serve in the Assembly and State Senate are very, very lucky to be able to really participate in the system.

In this six years, which is amazing, I have come from being the bottom of the heap to 205th in seniority in the entire Congress, which is amazing. You figure that in six years, I'm in the lower half in seniority and the thirteenth ranking on the Armed Services Committee from 52. So, if people talk to you about term limits, as many of you know here that are in the Assembly and the Senate and certainly in Congress, we do limit our members. The average stay now in Congress is eight years. It's not the sure 20 or 30 or 40 years that so many people talk to you about because that does not happen. In fact there are only 40 members of Congress out of 435 that have actually served 20 years or more. All the rest have served less than that. So I don't believe for a small state like Nevada—I'm making a little plug now for all of you that are out there—that we need term limits because the people of Nevada certainly limit the terms of many of you as evidenced by the many freshmen and second year members that are here today.

You know, I am very happy to be here because I still feel like I'm part of this legislature. Over the years, as I've sat in Congress, many of you have come back to visit with me, and as Senator Rhoads can tell you as a member of the Public Lands Subcommittee, my door has always been open to members of this body to set up meetings and do the kind of things that are necessary to help you get things on for Nevada. If you need a meeting with key committee chairmen or subcommittee chairmen, I've always been there to help because I feel like John F. Kennedy did when he said, "I am a Berliner in the 1960s." I feel that I am still a part of this body and will always have part of my heart here as a member of the Nevada Legislature.

I would also like to talk to the new members that have come in. You may call them the "young turks" like we do in Washington with this figure that wants to get things done, wants to get things changed, and wants to bring new blood into the body, and that's good because I think sometimes we who have been here for awhile need a little prodding and need a little development, and need a little push. But on the other hand, I would like to say that those that have been here for awhile, and as one of the bodies called one of the members the other day, the "noble dinosaurs" of this body. They also have a lot to give. They have been here for a long period of time, some not so long but they have been here, they've developed within the system. They know how the roads run. They know the "Ys" in the road that go to deadends and those that lead to productive activity. Listen to them. You don't have to agree with everything a more senior member says, but they have over the years had the experience to know where the pitfalls are, what experiments will not work and what will work. And that's true in Congress too, because many times I've had what I thought was an outstanding idea and could not understand why no one would pick it up until more senior members would explain to me that it had been tried several times, and those theories had failed, and it was not necessary to reinvent the wheel. At the same time I say to the senior members, listen to the younger members because they've been out in the trenches just like you have and they understand the problems out there. Some of them may have a new perspective that can be very, very helpful. The marriage of these two groups is very, very important, the young and the old. When I say young, that doesn't necessarily mean age-wise because some of the more junior members could be older than some of the more senior members, and that's a fact in Congress. You have people in their forties that have been there ten years, and people arriving who are 60 and 70 years old who are in their first term. I also ask you, regardless of where you come from in the state, to come together. Whether you are a northern Nevadan or a southern Nevadan, whether you come from the rural counties or you come from the urban counties, whether you're a democrat or a republican—and if I was in Congress, I could say a socialist—come together to work for the benefit of this state because that's what it's all about.

President Clinton, when he spoke to Congress the other day, said that the only special interests that we should be concerned about are the special interests of the American people, and that's true of you who sit in this body, too. The interests of the people of Nevada should be the number one item on your agenda.

President Clinton met with a group of democrats prior to that speech, and he said I'm going to ask you as legislators to do some things that are very, very difficult to do. First of all, I'm going to ask you to cut programs that mean a lot to a lot of you. I'm also going to ask you to vote tax increases which probably, as everybody in this body knows, is the worst thing that you can ask a legislator to do, but I'm going to ask you for the good of the American people to take the hard choice, take the hard road, make those choices that you don't want to make but have to be done because of these young people sitting out here right now, today. Because of them and their children's children, make those choices. And if you're here, as our Majority Leader told us right afterwards, Richard Gephart, if you're here to get re-elected, and that's your only purpose to be here, you shouldn't be here because that's not the purpose you're here for. You're here to make those hard choices, and if you're not re-elected in two years or four years, then that's because you did something. Our President told us in this caucus, if he's defeated in four years and, as a democrat I hope to God he is not, but if he is defeated, it's because he did something, not because he did nothing, and that's what's important.

We realize in Washington that this debt has taken 12 years to develop. Twelve years ago we had about a $300 billion debt which we thought could be easily handled over the next four to six years. Today, as we speak, our national debt is approaching over $4 trillion. It takes 11 percent of our national income just to pay the interest. That isn't one cent on the principal, just on the interest. If we continue the present pattern of spending, 20 percent of our income will be paying payments on the national debt by the year 2000. It is strangling us, and it is killing our economy. Now people can tell you that the economy is getting better, everything is improving, that if we do nothing, we will ease ourselves out of this depression, we will be able to handle the debt in future years. That is not true. We have an upsurge in the economy, but it is very, very slight. The fact is that most economists tell us, unless we stimulate this economy and get this economy moving and handle the deficit, we will slide back into recession within 18 months to two years, and it will be deeper and harder than the one we faced in the last four years. We have to do something, and we have to do it quickly, and we have to move on it. We have to invest in the infrastructure of this country. You know that Japan spends as much on government infrastructure programs and research and development on programs as the United States does, and their country is just one-fourth the size of our own in population and 100th of the size in actual land area without the natural resources that this great country has, and they don't have the massive debt that we have. They have a surplus in their budget, and we face a strangling economy, a debt that will strangle this economy and kill this country. Japan increases its productivity by 2 percent per year, United States averages an increase of its productivity of one tenth of 1 percent per year. That's what's killing us. It is predicted that if we do nothing, by the end of the century we will have the lowest standard of living of any industrialized nation in the world.

All of us remember, as President Clinton said, how everything looked better for every generation, that our children could look forward to having a better standard of living than we did. That's not true anymore. They say for our children to have a better standard of living than we do, it will take 100 years at the present rate before that would happen. So these young people out here can look at a standard of living that will be worse than ours, and their children can look at a standard of living that will be worse than ours because we didn't have the courage to make the hard decisions. I believe the American people are ready for those decisions. They understand what we're going to do is a tough thing, that we're going to raise their taxes, we're going to cut programs that mean a lot to a lot of people. I sat in the Democratic caucus when we were talking about the cuts. Now everybody talks about how wonderful it will be to make all these cuts. Well, you could have heard every member yelling when they gored his particular program. I remember a Congressman from Missouri whose entire area is served by rural electrification. They're going to cut the subsidies under the Clinton plan to rural electrics. He got up and said,

"That's it, I can't vote for the program, I'm out of here." Now as he went down through the 150 different cuts, you had different Congressmen getting up on every single cut saying, "You can't cut that program because that's the bread and butter in my district. Don't cut my program, the other 149 are okay, but that one I can't vote for." Well, let me tell you, if every Congressman does that, we are in deep trouble because we are going to have to come together, both republicans and democrats, to put the votes on the table because the cuts hurt. In Nevada, for instance, we face several cuts that are dangerous. You know, one thing we are looking at is, of course, the entertainment deduction for 80 percent of the money spent for meals and entertainment in the past. President Clinton proposes to drop that to 50 percent. Will that stop some tourists from coming here, some conventions from coming across the country or doing some of the things they do? Will that cut it away? Will it hurt some of our tourism? Probably, yes. Not enough though that I could sit there in good faith and vote against the program because I know some of these cuts are going to hurt Nevada, some of these cuts are going to hurt every state in the Union. But if we do nothing, it's going to hurt us a lot more because, when the economy goes into the slammer, I don't know where those tourists are going to come from when they don't have any money to spend and to visit our fair state. So yes, we all have to make tough choices. And the President has asked the opposition, the loyal opposition, because that's what the opposition party is, to specify particular cuts. Now why did he do that? You heard the speech he made. I won't call it a "state of the union message" because it wasn't, it was addressed to Congress. In the address he made, he said, "Give me more cuts, but be specific." What happened was, basically, some people got up and said cut 5 percent of the agriculture budget, cut 5 percent off the justice budget, cut 5 percent off the transportation budget. Be specific, tell us what programs you want to cut. Do you want to cut highway transportation funds for the states to rebuild infrastructure? You spell out what projects you want to cancel. Not many people have the courage to get up and say, okay cut 25 percent of the highway transportation funds and take it out of my district. Don't build the spaghetti bowl in the next 20 years in Las Vegas. Take that $55 million and apply it to the deficit. Not many people have that courage. So what we've asked for, if you want projects cut, you tell us what they are. And, if you as legislators should address the same problems, be specific. Tell us what you want to cut, what it will save, and what it means to the American economy.

His stands are controversial. The President has gone across the country to the people. And let me tell you something, 60 percent or more of my phone calls are coming in asking us to favor the President in his program. They're saying, do it. Do it now, do something because as I campaigned over the last election, and all of you are doing the same, you remember what people were telling you out there, end the gridlock, do something. They even said do it if it's wrong. Well, they don't really mean that, as you well know. We do it and it's wrong, we'll all hear about it in the 30-second spot next election or a 60-second spot on the radio. But they want us to do something. And you know what, right off the bat we did something. We passed a piece of legislation that has been sitting around since I've been in Congress trying to get through, that's the Family Medical Leave Act to allow people, to allow mothers and fathers to take off to be with their baby right after birth or to take care of a sick parent or sick child. This is important legislation; it was too long in coming, and we worked on that.

We are going to end gridlock. Early in the day I met with some of my democratic colleagues here and they asked me about health care. And yes, we are going to address the health care issue. We are going to address this terrible problem that is sucking the vitality out of this country; $800 billion a year for health care right now, $800 billion, estimated to reach by the year 2000, if not controlled, to the amount of $1.5 trillion for health care in this country, the highest cost for health care of any country in the world. No one has this kind of staggering health bill. Health care costs are going up at two times the inflationary rate in this country. Yes, we are going to have a health care bill because President Clinton put the finest person he could in this country in charge of that, that has his ear on a daily basis, Hillary Clinton, who is going to produce a good health care bill by the end of this year.

We ask what this means for Nevada? It's not all bad. Americans are willing to take the burden, but they also want to know what it brings back to us. The President's plan calls for something that hasn't been done for years. Those of you who serve on the Transportation Committee know how vital federal transportation funds are for the rebuilding of the infrastructure in this state. The President has promised two things:

1. That he will release the highway trust funds. He will get them out to the states, he will not allow them to be used to cover the massive federal debt, and he will get that money to you to allow you to rebuild the infrastructure and create jobs in this state for Nevadans and make sure that people can move from point A to point B in our urban centers and across the rural areas of this state. That money will be coming. In addition, there is an estimated $20 million more that is going to be in this first stimulus package to come to the State of Nevada. That's if you can get some projects off the design stage and ready to go in this next year. There will be 20 million additional dollars that we can use to help rebuild the infrastructure. That's in this program. That will be money you can count on if you can get the thing rolling, and if we can get the director of the Transportation Department, who I think our Secretary of State knows very well, to get these things done and get these road projects on the board. I think our present director of the Highway Department will be able to do that.
2. There is $8 million in additional block grant money that will be coming to the local localities to use for rebuilding infrastructure or special programs to put people to work. Also, there will be $4 million in additional money for wastewater treatment facilities in this state.

The President also has a high interest in high speed rail transportation. Some of you are on the committee for the high speed train between Las Vegas and Los Angeles. He has $900 million set aside for this type of program. If we can get our act together here and agree on the roots, where it goes, what it does and how it is going to happen, there is money that we can reach out and grab onto in that program to help build this. That is going to mean a lot to Nevada's economy whether you live north, south, east, west, rural or urban. It is going to mean more revenue into Clark County which translates into more revenue here in Carson City to help the entire state.

We've got to move forward on this, and I'm glad the President finally has addressed the problem of high speed rail, and if you can get your act together our delegation will help you get some of that money to build this much needed system.

The President also is calling on increasing the Department of Environmental Energy Restoration and Waste Management initiatives in this state . . . putting more money into industrial and energy clean-up, and also programs to develop new sources of energy, which are vitally needed. As the Cold War is over, and as defense industries are shutting down, we in the delegation sit up there, and we are very concerned about the future of the Nevada test site. As you know, the moratorium is until June on testing, and at that time six to eight more tests are authorized. Whether those tests will take place, I'll tell you, I honestly don't know if there will ever be another test at the Nevada test site, but the facts are we've got a facility out at the Nevada test site, billions of dollars of infrastructure, and the President is committed to reusing those facilities, retraining those workers, and getting new sources of programs into that area. I chose to be changed from the Procurement Subcommittee in the Armed Services Committee to the Research and Technology Subcommittee because I believe that many of the new programs that we'll work on for the 21st Century could be worked on and developed at the Nevada test site, things like hydrogen research, solar research, and other environmental clean-up programs that could be developed to make sure this wonderful talent we have up there, and we have some of the finest workers in the world up there, do not just dissipate, and go off into other areas of the state. It's going to be tough, but, you know, we're losing workers up there which we hope to rebuild by other programs, but believe me, other districts are hurting bad. Look at Boeing, announcing 20,000 people to be laid off in Seattle. Other companies across the country are laying people off. I recently heard the complaints by a bunch of Soviets, or Russians I should call them, talking about how many of their people were being immobilized, they had no place for them to live. I paraphrased a general's sermon back in war times, and this was a general from the Russian army. I said, "Peace is hell." And, in

this particular case, peace is hell, because people are being laid off and are not able to have the jobs that they've had for the last 40 to 50 years in the Cold War. But, I think we have to look at that, and the test site. The President is committed to developing alternative programs, and re-employing those workers, and making sure they don't lose their jobs.

In addition, the President has increased the amount of federal dollars for Head Start Meal Programs, and that money will be flowing into this state, as well.

Increased drinking water and clear water revolving funds will also be made available in this state, but some of the rural communities are particularly important where they have a real purification problem. Some of that money will be coming into the state as part of the President's programs. In addition, he plans $2 million, roughly, will be coming into the state for immunization of children, and I think that is an important program. The President estimates after his immunization program is completed and every child in this country is given the proper shots for critical childhood diseases, the government will save $10 billion over the next five years in health costs, so it is very important. It's like changing the filter on your automobile. Remember the old ad, "Pay me now, or pay me later." Well, right now, we're going to pay now so we don't have to pay later, and I think that's an important program.

In addition, $3 million is earmarked for this state for Head Start and summer youth employment programs, and I can tell you, those are important monies.

After the last riots in West Las Vegas, I met with various leaders in West Las Vegas, including Senator Neal, Wendell Williams, Morse Arberry, and others that serve in this body, and with young people in that district. And, let me tell you, the biggest thing they wanted was jobs. They want to go to work. They don't want to sit around the streets at night not doing things. There's a friend of mine from one of the urban areas on the east coast who called me. He was talking about some of his friends that have a job. He said, "You know those guys aren't fun anymore. They came in at night, on Friday night, and I said let's go out and really live it up. They said, "No, I'm too tired, and I have to go to work in the morning." That's great because it takes those young people off the street, it gives them a few dollars in their pockets, it helps them learn a trade, and it will keep this country together because there's no reason why the richest country in the world can't keep every man, woman and child in this country working who wants to work. Putting $3 million into this program will help do it, and also funds adequately and fully Head Start, which is so important.

The Clinton proposals are not to come cheap. As I said, everyone is going to have a share of this. I believe Nevadans are willing to carry their share. You know, none of us likes taxes, as I said earlier. But the fact is, Nevadans are speaking loud and clear by a 2 to 1 majority that they are willing to carry their share of the burden, as long as that share is fair, and the Clinton plan is fair.

Economic forecasts about Nevada show that Nevada is doing very, very well, and will continue to do very well into the 21st Century. Right now we are a job haven. People are moving into our state and swelling our population by over 40,000 people over the last two years. Although our economy is linked heavily to California, which is in a tremendous economic slide due to the failure of the defense industries and the fact that the Cold War is over, Nevada grew by 1.9 percent during the third quarter of 1992 in job growth; the sixth best in the nation. They project that in the next few years Nevada's growth rate will increase to 4 percent per year allowing us to be the number one economy in the country, and that Nevada will move from thirteenth in standard of living to number one in the nation within the next four years. Number one. But, there's one caveat that's in all these reports that come back, and that is, foreign and Indian gaming. It is a danger to our state. It's a danger to our economy, especially to areas like Reno. Las Vegas is building a major resort anticipating foreign gaming so that people will move into Las Vegas and come to Vegas because it's unique in the world. But many of our areas in this state will be hurt by foreign gambling. And let me tell you, our delegation doesn't care what anyone else feels about it. We intend to fight and adjust that law to make sure that Nevada's protected, and we don't care who opposes us, and we don't care who they are or how much money they have.

What we need to do is to continue to work with all of you on these important problems. You know, I have just introduced a bill to create a 300,000-acre area in the Spring Mountains to protect that area from urban encroachment. Your Public Lands Committee has supported that bill, and I appreciate that. Also, I'm going back today to Washington, right after we finish here, and I'm going back to testify. And, I want you to know that the off-roaders, the hikers, the Sierra Club, and all the different groups in southern Nevada have come together. And, what's even unique to you, having served here for so many years, the Nevada Mining Association will be there testifying in favor of this bill, which I think is so good to protect the Spring Mountains from future urban development. I thank you for your support from the Nevada Legislature and ask that you continue to support programs that will still ensure the protection of these areas, but at the same time allow for hiking, off-roading, hunting and fishing in these areas that are so important to keep pristine. Because the last thing we need is the fact that these beautiful Spring Mountains, ranging from Mt. Charleston to Red Rock, will be destroyed so that these young people and their children's children will not be able to enjoy them because they will look back to us and say, "Why did you let us down?" Not only did you get the economy going, hopefully, but you protected this area for future Nevadans.

You know, some people have criticized you for bringing your meetings down to southern Nevada. Some people said it's a waste of time, that few people showed up for the hearings. Let me tell you I believe that opening government to all of the people is what we need to do because failure to do so brings that discredit to us. What's happening behind closed doors; what's happening in Carson City so far away from Las Vegas brings distrust. People believe we do things we don't do, and sometimes I believe they believe we do things we do do, but in most cases, they don't know what we're doing up here; what we're doing in Washington; what we're doing in Carson City, and if only a handful of people showed up at those hearings . . . that's still wonderful. I wish more would come. But, don't let anybody tell you coming down a couple of weeks to Clark County to let the people know what's going on is a bad thing. It's a good thing, and I compliment you for doing it.

In closing, let me tell you that my wife, Mikie, is sitting down here with Myrna Williams and Renee Diamond, my district director. Mikie and I really love coming back here because we have such fond memories of being up here except for those last few days of the session which we'd like to forget. But, remember when you're up here, you know, things get tough, it gets hard, and you have to make hard choices. You think that every time you get one of those cranky letters or one of those silly phone calls that come up here, and you get some of them all the time, where they call you everything in the book, and they tell you how everything is terrible, and that you guys are screwing everybody in the state by whatever you're doing. I remember one Assemblywoman a few years ago who had just been elected, got up on the floor and said, "You know, I campaigned on an anti-legislative agenda, talking about how you guys got up here and you spent all your time at Jack's Bar and you didn't get any work done." She said, after having been here, and she had seen the long hours that you spend and the months and months of agony you go through. Some of you that have businesses or law offices back in Las Vegas know how much business you lose, and you wonder, is it all worth it? The answer to that is, at the end of the session come August or September . . . we did use to get out in May and June, by the way, when I was here. That, when that time comes, and you have to go back, if you can look back and say we accomplished something, we did what had to be done, then it's all worth it. But, if you go back home and say, "Geez, I just took the easy course. I let everybody push that green button, but I pushed the red button because I don't want to answer to my constituents." And, you know, that there's some of you out there that are inclined to do that. We had them when I was here, and I don't know who you are today, but there are some of you that would rather push the red button every single time so you can go back and say, "I never raised taxes; I never did anything. You can't blame me for anything, because I didn't do anything." And there are some of you here who like to do that. You're not a legislator. A legislator is a person who gets up and does something. I remember Senator Raggio, after the great tax shift and some of the bills we passed raising taxes in '81 and '83, wrote into the record commending both sides of the aisle for having

come together and did what had to be done. He said I'm doing this because you did the right thing, and I am the minority leader. That was the good old days, and I want to tell you Democrats that if any Republican comes up and denounces you for votes to do the things that have to be done, I want you to have this particular sheet of paper to show him. We need courage like that again. We need people protecting each other in the sense when you do the right thing it's not a Republican or Democratic issue, it's a Nevada issue. I tell you again, we are open to you. But, fight this battle out here. Get this Nevada economy going. Do the right things, and be damned the election, because I believe that people know you're up here doing the right thing. You'll come back here, time after time, as long as you want to be here. God bless all of you, and thank you for coming and hearing me today.

Senator Rhoads moved that the Senate and Assembly in Joint Session extend a vote of thanks to the Representative for his timely, able and constructive message.

Motion carried.

The Committee on Escort escorted the Representative to the bar of the Assembly.

Assemblyman Kenny moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 11:08 a.m.

ASSEMBLY IN SESSION

At 11:18 a.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 1.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 1:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 62.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Assembly Bill No. 62:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 183.

Bill read third time.
Remarks by Assemblyman Price.
Roll call on Assembly Bill No. 183:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 10.
Resolution read third time.
Remarks by Assemblyman Freeman.
Roll call on Assembly Joint Resolution No. 10:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Joint Resolution No. 10 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Bill No. 13.
Bill read third time.
Remarks by Assemblyman Collins.
Roll call on Senate Bill No. 13:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 5, 51; Assembly Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Robin Sweet, Yolanda Pierce, Trish Elliott, Mitsi Johnson, Betty Johnson, Deborah Douglas, Barbara Sealy, Jennie Humphreys, Georgan Azzam, Deborah Martin, Kim Bacchus, Marcine McUmber, Devona Scott, Cheri Schultz, Sherry Blunt, Darlene Roullard, Cindy Merhaut, Beckie Percell, Carla Rogers, Pamela Brown, Laura Peppard, Ann Cook, Messrs. Forest Fox, Ed Benites and the following Girl Scouts: Molly Deming, Melissa Izatt, Erin Reitnauer, Corrie Raabe, Amira Azzam, Megan Drumheller, Shannon Taylor, Marissa Martin, Jessica Bacchus, Jessica Rodrigues, Janelle Mack, Bonnie Fuller,

Kamie Whitemaine, Rosa Miguel, Lisa Finley, Alyson Lyon, Louise N'Dolo, Shannon Williams, Jaime White, Jennifer Wells, Allison Bailey, Tara McKinnish, Patricia Stone, Megan McUmber, Jimena Tovera, Shasta Inman, Ashley Qualls, Elia Miller, Kimberli Scott, Ashley Allen, Jennifer Blunt, Genevieve Morgan, Jennifer Taylor, Krista Schmitz, Angie McKnight, Veronica Loete, Christy Webster, Victoria Simcoe, Natalie Weatherford, Bailey Cannon, Marie Cannon, Amy Bliss, Tamara Babb, Jennifer Mahe, Jessica Elbert, Gina Pistone, Megan McGuiness, Melissa Estes, Abigail Brown, Jennifer James, Kellie Linn, Allison Osmer, Lisa Roullard, Alicia Lambert, Melissa Lewis, Winter Potter, Jamie Percell, Megan Merhaut, Kendra Campbell, Rebekah Couper, Dawn Boyd, Shanel Rothenberger, Sarah Stetson, Ann Caselli, Cecilia Wallof, Stephanie Amador, Tanya Jones, Amelia Rogers, Camille Caliva, Melody Furman, Sarah Harvey, Jennie Wiechers, Allison Sprague, Marie Tully, Melissa Cook, Natalie Clark, Erin Craig, Alanna Peterson, Ginger Peppard, Shannon Keefer, Kirsten Benites, Penny Nichols, Tara Tipton, Korene Fifield and Jennifer Brown.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Shannon Fox and Angel Boyd.

On request of Assemblyman Augustine, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scout Kelly Blakeslee.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Randi Korman and Sarah McConnell.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scout Monica Topping.

On request of Assemblyman Bonaventura, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Mary Meyer and Carey Seward.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Teri Johnson and Tracey Peirce.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Samantha Holt and Anastacia Kubiak.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Cara Taormina and Audra Oxborrow.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Mary Henry and Sommer Rogers.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Nadine Kerr and Danyel Douglass.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scout Maggie Baesman.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Celeste Watness and Lissa Watness.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scout Nancy Christensen.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Tawna Albertson and Jamie Stetson.

On request of Assemblyman Kenny, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Crystal Brown and Kassy Thompson.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scout Karen Sealy.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scout Karen Smith.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Lauren Fontein and Alissa Nagel.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scout Lori Overman.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scout Nikki Norton.

On request of Assemblyman Regan, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Jennifer Walker and Rebecca Hunt.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Lu Ann Rainford and Lisa Becker.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scout Jenny Brooks.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Angela Dammeir and Marlis Smith.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scouts Jessica Sanderson and Heather Marren.

On request of Assemblyman Toomin, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scout Shannon McGinness.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Girl Scout Laurel Brooks.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, March 2, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 11:34 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FORTY-FOURTH DAY

CARSON CITY (Tuesday), March 2, 1993

Assembly called to order at 11 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Jerry Hanley.

Our God and Creator, we thank You this new day for spring time, for health and for all we have from You. May this day be seen as precious and as a gift from You, never to come again. Bless our children and let them be seen as sacred. God bless this assembly and those they serve. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 1, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 105.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 5, 49, 81.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 7.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Myrna Williams, Ernaut, Hettrick, Heller, Carpenter, Segerblom, Neighbors, Schneider, Porter, Bennett, Wendell Williams, Augustine, Bonaventura, Giunchigliani, Gibbons, Anderson, Haller, Regan, Price, Perkins, Marvel, Garner, Gregory, Petrak, Lambert, Kenny, McGaughey, Freeman, de Braga, Scherer, Bache, Humke, Smith, Spitler, Arberry, Toomin, Evans, Chowning, Collins, Sader and Tiffany:

Assembly Concurrent Resolution No. 22—Memorializing long-time Nevada resident Julia Viani.

WHEREAS, This Legislature notes with sorrow the passing of long-time Nevada resident Julia Viani on November 14, 1992; and

WHEREAS, Julia Adelle Baldini Viani was born in Arpiola, Massa Carrara, Italy, on December 14, 1907, and moved to America when she was 5 years old; and

WHEREAS, Julia Viani lived for a short time in the Reno-Sparks area before moving to Yerington, Nevada, where she graduated from Yerington High School in 1927; and

WHEREAS, After graduating from the University of Nevada in 1931, Julia Viani accepted a teaching position at Virginia City High School; and

WHEREAS, In 1933, Julia Viani married G. Joe Viani and lived in Virginia City until 1942, when they moved to Hawthorne, Nevada, and opened Joe's Tavern; and

WHEREAS, Joe and Julia Viani became active in politics and when Joe was elected Nevada State Assemblyman serving from 1959 through 1971, Julia accompanied him to Carson City every session; and

WHEREAS, Julia Viani became acquainted with all governors of the State of Nevada beginning with Fred Balzar to and including the present Governor Bob Miller; and

WHEREAS, In 1986, Julia Viani was named Ms. Senior Mineral County and was the runner-up for the state title at the pageant held in Las Vegas; and

WHEREAS, Julia Viani was active in her community and was a member of the Older Americans, Mineral County Care and Share, Association of Retired Persons, BPO Does, Hawthorne Chamber of Commerce, Hawthorne Lioness Club, Hawthorne Lions Club, Hawthorne Museum, Our Lady of Perpetual Help Catholic Church, Walker Wassuk Arts Alliance, Italian-American Federation, The Statue of Liberty, University of Nevada Alumni Association, Virginia City Alumni Association and Yerington High School Alumni, and was a life member of the Golden Age Club; and

WHEREAS, Julia Viani was preceded in death by her husband Joe Viani; and

WHEREAS, Julia Viani is survived by her son, Joe, 9 grandchildren, 20 great-grandchildren and 3 great-great-grandchildren, a daughter-in-law, Hazel Viani, and a nephew, Father Don Mauro Viani of Lucca, Italy; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 67th session of the Nevada Legislature extend their sincere condolences to the family and friends of a beautiful and gracious lady, Julia Adelle Baldini Viani; and be it further

RESOLVED, That Julia Viani had a special ability to touch the hearts of her friends with her warmth and kindness, a quality that made her a special person not soon forgotten; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Julia Viani's son, Joe Viani.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini and Neighbors.

Assemblyman Petrak requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore. It certainly is my honor to be able to present this resolution and speak on it to the Viani family. They have been lifetime friends of mine.

As you heard in the resolution, Julia came to Nevada when she was five years old from the old country. I was acquainted with her parents early in life and with Julia as time went along. We became very close friends when I first came to the legislature. Her husband, Joe, was a real teacher to me in the legislative process. We went through a lot of tough times. Papa Joe was sick during his last session. He was sitting in that seat right there, your seat on the floor, when we first opened this building. He had cancer.

This lady was a devout wife. She came every day and drove him to the session. She cared for him like a baby. He struggled through the session. Shortly after the session he passed away. She was such a devoted wife and mother to her family. I will never forget the kind things she did.

The Viani family, in Hawthorne, was respected by all the United States Senators and Governors in this state's history since Balzar's time. Pat McCarran was a good friend of theirs. If you go in the club you will see pictures of most of the governors since that time as well as United States Senators. I know Richard Bryan and Harry Reid grew up in this system with Papa Joe and Julia in the 1969 Session, which was her first session here at the legislature. They were taught a lot about rural county politics by these two great Nevadans in Hawthorne.

I bought my first house in Yerington from Mrs. Viani, her mother, back in 1957. We have done business together since that time. It was always a pleasure to go through Hawthorne and see that family. The last time that I was in town, coming from a democratic convention in Las Vegas, I stopped in about five in the afternoon one Sunday, which was a good time to have a good spaghetti and chicken dinner at their club. I said, "No, I have to go back to Yerington and get home," and she told me in Italian, "Sunshine, if you don't stop this time, I'll never come back to see you again." So, naturally I stopped and had some of their excellent spaghetti and chicken.

They were great leaders in our state. Everybody who came through town sought counsel from them. You always stopped to see them in the old days. The Las Vegas delegation, in the era of Keith Ashworth, when they drove home, would always stop to see Joe and his family in Hawthorne.

She was a great leader. She was involved in all kinds of events in Mineral County and throughout the state. Papa Joe told me that when he was courting Julia, and she was teaching in Storey County, he was working on the Quilici Ranch down in Dayton. He used to get on his saddle horse every night and ride up there and do his courting and then be back in time to go to work. That is old time courting.

We had a lot of happy times together. She was really a beautiful lady who did so many things for so many people. I am very glad to be able to commend her today. To the family, we give them our condolences as we recite the happy times we had together. Thank you, Madam Speaker pro Tempore.

ASSEMBLYMAN NEIGHBORS:

Madam Speaker pro Tempore, I too, rise in support of this concurrent resolution. I would like to echo the feelings of Speaker Joe Dini.

I have known the family for many, many years. I have received numerous calls from Mineral County. I received a call from the Honorable District Court Judge William P. Becko of Tonopah this morning and it seems everyone is in agreement that the State of Nevada has certainly lost a true friend. Thank you.

ASSEMBLYMAN DINI:

It is indeed my pleasure, Madam Speaker pro Tempore, to present the resolution to the family. I will give it to Hazel. Her husband, Joe, was unable to be here today. If you are involved in the gaming business, Regulation 6 says certain people have to be there when they are doing the slot drop and I guess it was rather important that someone in the family stay there to take care of business.

We want to present this to the family. We have other copies for you in my office so that you can give them to other members of the family. We certainly want you to know how we feel. She was a great lady. This house certainly supports this resolution. You will be going down to the Senate very shortly and Mr. McGinness will see you there. Thank you for coming.

Resolution adopted unanimously.

Assemblyman Dini moved that all rules be suspended and that Assembly Concurrent Resolution No. 22 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Concurrent Resolution No. 7:

Assemblyman Porter moved that the resolution be referred to the Committee on Transportation.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Spitler (by request):

Assembly Bill No. 295—An Act relating to cigarettes; clarifying the definition of the "basic cost of cigarettes" used in the provisions governing

the sale of cigarettes by wholesale dealers; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Taxation.

Motion carried.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:14 a.m.

ASSEMBLY IN SESSION

At 11:22 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Giunchigliani, Evans, Bache, Smith, Freeman, Regan, Gibbons, Sader, Anderson, Marvel, Spitler, Humke, Chowning, Perkins, Myrna Williams, Tiffany, Collins, Ernaut, Lambert, Haller, Carpenter, Hettrick, Bonaventura, Porter, de Braga, McGaughey, Wendell Williams, Augustine, Petrak, Bennett, Kenny, Gregory, Garner, Arberry, Heller, Segerblom, Neighbors, Scherer, Toomin, Schneider and Dini:

Assembly Concurrent Resolution No. 23—Urging the state board of education, the board of regents and the board of trustees of each school district in Nevada to take actions to end gender bias in the educational system.

Assemblyman Giunchigliani moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 2, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 10.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 10.

Assemblyman Garner moved the adoption of the resolution.

Remarks by Assemblymen Garner and Myrna Williams.

Assemblyman Petrak requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GARNER:

Thank you, Madam Speaker pro Tempore.

Harold Beard was one of the family: you, me, the lobbyists, press, attachés, staff and all who came within this legislative building. Harold started working for our Security Section in 1979, was promoted to Chief of Security in 1985 and held the post until his passing in August of last year.

Harold's first love was his wife, Doris, and their family. Second came this building and those who work within it. Over the years I've come to know who truly runs this building—Counsel Bureau staff, janitors, maintenance personnel and security.

Harold Beard had the patience, manner and style to make safety and freedom work together. His motto, "better safe than sorry." Many of the capabilities we have in this building today for everyone's safety came from Harold's concern. He wanted his crew trained and qualified to do the job. He wanted his crew to be noticeable, kind, courteous, giving directions, guiding tours, doing someone elses job or stopping a mob.

I will always remember Harold for his devotion to his job and his caring and sharing. Thirteen years of his life were spent worrying about you, me and many others in our legislative building.

These remarks were those of Senator Jacobsen from the Senate side.

In addition, I want to say that I have known Harold Beard since 1987 when I first came to the legislature. It has been my good fortune to work with him concerning security matters for several years. He was the epitome of what one would look for in a law enforcement officer. He was always professional in his appearance and in his performance. This body owes him a debt of gratitude and a debt to his family for the many years of outstanding public service he has given to the State of Nevada. Thank you.

Madam Speaker pro Tempore requested the privilege of the Chair for the purpose of making the following remarks.

Thank you, Mr. Garner. I would like to take this opportunity to associate myself with your remarks. Mr. Beard is sorely missed especially by those of us who seemed to get in hot water once in a while. He always made sure we were safe, secure and protected. We appreciated that and cared a great deal for him.

ASSEMBLYMAN GARNER:

It is an honor for me, on behalf of the Assembly, to present Harold's wife, Doris, and sons David, Dale and Harold, Jr., this plaque in appreciation for the long years of service that he has given to the State of Nevada.

In addition, let me present to Doris a special plaque coming from Chief Kenny and other security officers who served with him here in the legislature. It is a beautiful thing, and I want to present this to her as a token of our appreciation for his long years of service. I want to show it to everyone.

Madam Speaker pro Tempore, I would like to introduce Chief Beard's wife, Doris, and her daughter-in-law Jeri. Seated behind me are 13 members of his family who we are happy to welcome here today.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 296—An Act relating to actions for medical malpractice; requiring a claimant to file the affidavit of the expert upon whom he relied to support a claim contained in his complaint; allowing the claimant to file additional affidavits of experts to respond to allegations in the answer or the affidavit accompanying the answer; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 297—An Act relating to gaming; providing that the Nevada gaming commission may grant a state gaming license to a publicly traded corporation; providing that an association of licensees may bring an action for a declaratory judgment; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Spitler, Bennett, Collins, Tiffany, Arberry, Toomin, Price, Schneider, Wendell Williams, Dini, Gregory, Segerblom, Petrak, Hettrick, Anderson and Giunchigliani:

Assembly Bill No. 298—An Act relating to children; establishing the right of certain persons to visit their grandchildren and great-grandchildren unless found harmful to the best interests of the child; revising certain obsolete references; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 299—An Act relating to banks; revising the provisions governing annual meetings of stockholders of banks; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 300—An Act relating to hearing aid specialists; requiring a person who operates an office, store or other location for dispensing hearing aids to obtain an owner's license; authorizing the issuance of a temporary license to practice as a hearing aid specialist; requiring the governor to appoint the chairman and secretary of the board of hearing aid specialists; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 301—An Act relating to water pollution; revising the definition of "package plant for sewage treatment" to exclude septic systems comprised of single or multiple septic tanks and leachfields; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 302—An Act relating to occupational diseases; eliminating the conclusive presumption that diseases of the heart of certain firemen and police officers arise out of the course and scope of employment; providing that disability from heart disease is compensable if the primary cause of the disability or death was the performance of duties as a fireman or police officer; eliminating the authority of certain firemen and police officers who have been partially disabled to elect to receive benefits for a permanent total disability; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 303—An Act relating to the state contractors' board; authorizing the state contractors' board to obtain certain information from the state industrial insurance system and the employment security department; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblymen Dini, Marvel, Carpenter, Hettrick and de Braga:

Assembly Bill No. 304—An Act relating to recreational activities; providing immunity from liability in tort with respect to recreation on certain land and water; prohibiting recreational activities within a certain distance of the outlet of a reservoir or related facilities that are owned or otherwise controlled by a governmental entity; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Dini, Marvel, Carpenter, Hettrick and de Braga:

Assembly Bill No. 305—An Act relating to irrigation districts; authorizing the levy of property tax to pay the costs of protecting the supply and distribution of the water of an irrigation district; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 5.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 49.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 81.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 105.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 58.

Bill read third time.

Remarks by Assemblyman Smith.

Roll call on Assembly Bill No. 58:

YEAS—41.

NAYS—de Braga.

Assembly Bill No. 58 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 59.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Bill No. 59:

YEAS—42.

NAYS—None.

Assembly Bill No. 59 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 63.

Bill read third time.

Remarks by Assemblyman Gregory.

Roll call on Assembly Bill No. 63:

YEAS—42.

NAYS—None.

Assembly Bill No. 63 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 142.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 142:

YEAS—42.

NAYS—None.

Assembly Bill No. 142 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 174.

Bill read third time.

Remarks by Assemblyman Wendell Williams.

Roll call on Assembly Bill No. 174:

YEAS—42.

NAYS—None.

Assembly Bill No. 174 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 22 of the 66th Session.

Resolution read third time.

Remarks by Assemblymen Anderson, Carpenter, Dini, Sader, Scherer and Freeman.

Roll call on Assembly Joint Resolution No. 22 of the 66th Session:

YEAS—41.

NAYS—Carpenter.

Assembly Joint Resolution No. 22 of the 66th Session having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Collins, Gregory, Ernaut, Lambert, Humke, Anderson, McGaughey, Wendell Williams, Bonaventura, Gibbons, Regan, Segerblom, Marvel, Neighbors, Carpenter, Schneider, Smith, Petrak, Hettrick, Arberry and Haller:

Assembly Bill No. 306—An Act relating to concealed weapons; requiring the department of motor vehicles and public safety to issue permits to carry concealed weapons under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 9.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Hazel Viani and Elena Viani, Messrs. Henry Berk, Harold Biegler, Cornelius Borgman, Tim Gonyo, Henry Hauptfuhrer, Thomas Peterson, Frank Wheeler and Colonel Earl Ralf, Mss. Dorothy Blakey, Audrey Brooks, Heidi Elswick, Marjorie Hanes, Sophie Meyers, Dee Zideck, Mesdames Wilson Makabe, Robert Setterfield, Joan Metcalfe, Ethel Wright, Mr. and Mrs. Joseph Castillo, Mr. and Mrs. Edward Daily, Mr. and Mrs. Kenneth Dennis, Mr. and Mrs. Paul Dierlam, Dr. and Mrs. Joseph Elia, Mr. and Mrs. Joe Gremban, Mr. and Mrs. Leland Hall, Mr. and Mrs. Thomas Hoffer, Mr. and Mrs. William Hollingsworth, Mr. and Mrs. Jim Huntington, Mr. and Mrs. Kenneth Judge, Mr. and Mrs. Tom Macaulay, Mr. and Mrs. Thomas Nunez, Mr. and Mrs. Edward Petiti, Mr. and Mrs. Clayson Trigero, and Mr. and Mrs. Ray Pidlypchak.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Mauro Viani and Ms. Paula Viani-Reed.

On request of Assemblyman Augustine, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Robert Geller.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Robert Cundiff and Mrs. Patricia Cundiff.

On request of Assemblyman Bonaventura, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. and Mrs. Ernest Twiss.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. and Mrs. Richard Colon.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Ronald Zideck.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Joannne Botsford.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Sean Mullen, Mrs. Bonnie Krupa and the following students from His Little School, Sparks: Bryan LaShelle, Eric LaShelle, Steven Kay, Jeremy Nason, Jalen Krupa, Leta Troppman and Stephanie Butler.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Elaine MacKenzie.

On request of Assemblyman Garner, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Doris Beard, Beverly Beard, Jeri Beard, Janet Beard, Yvonne Burton, Mss. Kenna Burton, Beverly Beard, Jeri Beard, Messrs. Alvin Beard, David Beard, Dale Beard, Bryan Beard, Masters Sean Beard and Johnny Burton.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Frank Lewis and Mrs. Sharon Lewis.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Walter Martini and Perry Whitt.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Patricia Brown.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Anna Sethman and Tania Sethman.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. James Simms.

On request of Assemblyman Kenny, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Ron Barlow and Mrs. Ruby Burton.

On request of Assemblyman McGaughey, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Vern Willis.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Richard Davis.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Klaus Bachenheimer.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. and Mrs. Joseph Downs.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. and Mrs. Bruce Pennington.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Albert Oliver.

On request of Assemblyman Toomin, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Juri Nou and Mrs. Josephine Nou.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Robert Vale.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Billie Rice.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, March 3, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:11 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 3, 1993

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Norman King.

God, our Creator, we ask You to bless our legislators today and to teach us to recognize with gratitude and delight the goodness of all Your creation. Open our eyes to see the beauty and grandeur of what You have created around us. Open our ears to hear the beautiful sounds that come through Your creation. And open our hearts to receive You with love as we experience all that You have given us. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 38, 40, 41, 133, 158; Assembly Joint Resolution No. 24 of the 66th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 81, 141, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 114, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 126, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 155, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 2, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 48, 74.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 22.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 8.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 6.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 24—Commending the Clark County Housing Authority on its 50th anniversary.

Assemblyman Myrna Williams moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Assembly Concurrent Resolution No. 10.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans and Freeman.

Resolution adopted.

Senate Joint Resolution No. 6:

Assemblyman Porter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Joint Resolution No. 8:

Assemblyman Porter moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Haller, Anderson, Humke, Bennett, Bache, Chowning, Smith, Spitler, Gregory, Collins, Regan, Petrak, Segerblom, Carpenter, Neighbors, Augustine, Wendell Williams, Giunchigliani, Kenny, Toomin, Price, Evans and Dini:

Assembly Bill No. 307—An Act relating to crimes against property; reducing the amount of time in which a person must pay a check or draft refused by the drawee to avoid the presumption of intent to defraud; and providing other matters properly relating thereto.

Assemblyman Haller moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 308—An Act relating to retirement; providing that all judges and justices are entitled to retirement benefits which are calculated in the same manner; providing for earlier vesting of certain benefits; limiting the participation of justices of the peace and municipal judges in the public employees' retirement system; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 309—An Act relating to actions concerning property; revising the provisions governing liability for failure to disclose certain facts in transaction for sale of real property; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 310—An Act relating to actions for medical malpractice; providing that only one cause of action for medical malpractice arises from a single action or omission or a series of actions or omissions; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 32.

Bill read second time and ordered to third reading.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing a presentation by the students from Kate Smith Elementary School, Sparks.

Assembly in recess at 11:20 a.m.

ASSEMBLY IN SESSION

At 11:28 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Commerce:

Assembly Joint Resolution No. 20—Urging Congress to enact legislation to facilitate the establishment of the Western United States Trade District.

Assemblyman Porter moved that the resolution be referred to the Committee on Commerce.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 311—An Act relating to architecture; making various changes relating to the practice of architecture and the practice of residential design; making various changes relating to the state board of architecture; authorizing the board to charge additional fees; prohibiting a person from engaging in the practice of architecture or residential design without a certificate of registration issued by the board; increasing the penalty for a second or subsequent violation of the laws governing architects; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Wendell Williams, Spitler, Price, McGaughey, Collins, Giunchigliani, Porter, Arberry, Bennett, Regan, Perkins, Smith, Toomin, Kenny, Haller, Petrak, Anderson, Schneider and Segerblom:

Assembly Bill No. 312—An Act relating to gaming; revising the qualifications for the issuance of a license or a finding of suitability; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 13.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. June Hall, Carroll Charlet, Kathryn Lancaster, Mesdames Teresa Owens, Colleen Hawkins, Jude Lightfoot, Carol Freeman, Jill Sharkey, Messrs. Andrew Burr, John Olsen and the following students from Kate Smith Elementary School, Sparks: Marco Alfaro, Lela Becerra, Eric Brown, Scott Brown, Stephen Buccambuso, Desiree Burton, Nichole Clifford, Eliodoro Corral, Elizabeth Dunn, Michelle Freeman, Jonathan Gibson, Phong Ho, Kristy Lange, Angelique Ke, Michel Madsen, Heather Martinez, Nate Meyer, Martine Mondragon, Raymund Reyes, Emily Roesler, Victoria Stanford, Jonna

Weippert, Suzy Carballo, Richard Child, Melissa Duarte, Tanya Evans, Tinamarie Fuentes, Scott Giddeon, Sunshine Graham, Shawndise Harris, Kevin Hemmert, Brenda Hurtado, Amanda Lightfoot, Andrew Lyon, Frank Martinez, Joseph Mayfield, Jr., Atonier McGee, Steve Monterroza, Nicole Parker, Nicole Petuya, Kelly Pickens, Naiere Robinson, John Sharkey and Bradford Turley.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sonya Gordon.

Assemblyman Porter moved that the Assembly adjourn until Thursday, March 4, 1993 at 11 a.m. in memory of Jim Joyce.

Motion carried.

Assembly adjourned at 11:43 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FORTY-SIXTH DAY

CARSON CITY (Thursday), March 4, 1993

Assembly called to order at 11:17 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Norman King.

Heavenly Father, help us to recognize that the leadership to which our people have entrusted us is Your gift. Help us to exercise it in terms of compassion and service to our fellow citizens. To be responsive and faithful to this calling is our prayer today which we make in whose name we hold dear. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Bennett moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Concurrent Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 182, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 97, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 97 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Freeman.

Motion carried unanimously.

Assemblyman Freeman moved that Senate Bill No. 97 be taken from its position on the General File and placed at the top of the General File.

Remarks by Assemblyman Freeman.

Motion carried.

Assembly Concurrent Resolution No. 3.

Assemblyman Ernaut moved the adoption of the resolution.

Remarks by Assemblyman Ernaut.

Resolution adopted.

GENERAL FILE AND THIRD READING

Senate Bill No. 97.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Senate Bill No. 97:

YEAS—40.

NAYS—Collins, Gibbons—2.

Senate Bill No. 97 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 32.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Senate Bill No. 32:

YEAS—42.

NAYS—None.

Senate Bill No. 32 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Gibbons moved that Assembly Bill No. 141 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Gibbons.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Haller, Wendell Williams, Gibbons, Chowning, Humke, Lambert, Bache, Tiffany, Anderson, McGaughey, Gregory, Evans, Arberry, Spitler, Collins, Regan, Segerblom, Schneider, Bennett and Toomin:

Assembly Bill No. 313—An Act relating to taxation; reducing the rate of the additional privilege tax permitted to be imposed by certain counties; and providing other matters properly relating thereto.

Assemblyman Haller moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 314—An Act relating to water; removing the limit on the assessment for water distribution expenses incurred by the state engineer; making various changes to the application process for a permit for the appropriation of public waters; increasing certain fees collected by the state engineer; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 315—An Act relating to public transportation; requiring certain governing bodies and boards of county commissioners to obtain the approval of the regional transportation commission of their services relating to benches and shelters for the passengers of a system of public transportation; requiring certain regional transportation commissions to adopt regulations establishing a procedure for review and approval of services relating to benches and shelters; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 316—An Act making an appropriation to the board of examiners for settlement of a claim on behalf of certain state employees; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 317—An Act relating to public schools; requiring the superintendent of public instruction to apportion the state distributive school account among the several county school districts monthly; authorizing payments from that account to certain county school districts to be made to a person other than the county treasurer; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 318—An Act making a supplemental appropriation to the division of child and family services of the department of human resources for certain obligations incurred in fiscal year 1990-1991; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman de Braga (by request):

Assembly Bill No. 319—An Act making an appropriation to Lincoln County School District to help provide a teacher at the Garden Valley School; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:32 a.m.

ASSEMBLY IN SESSION

At 11:34 a.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 38.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 40.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 41.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 81.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 61.

Amend section 1, page 2, line 4, by deleting: "*original criminal complaint.*" and inserting: "*criminal complaint upon which the preliminary examination was waived.*".

Amend the bill as a whole by adding a new section, designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. This act becomes effective upon passage and approval.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 114.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 64.

Amend section 1, page 1, line 3, by deleting: "*Nevada highway patrol*" and inserting: "*department of motor vehicles and public safety*".

Amend the title of the bill, first line, by deleting: "Nevada highway patrol division of the".

Amend the summary of the bill, first line, by deleting: "Nevada highway patrol division" and inserting: "department of motor vehicles and public safety".

Assemblyman Smith moved the adoption of the amendment.

Remarks by Assemblyman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 126.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 133.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 155.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 50.

Amend section 1, page 1, line 5, by deleting "*4,*" and inserting "*3,*".

Amend section 1, page 1, line 13, by deleting "*and*".

Amend section 1, page 1, line 15, by deleting the period and inserting: "*; and*

(3) Qualifies as a fire truck pursuant to regulations adopted by the department for this purpose.".

Amend section 1, page 1, by deleting lines 19 through 21.

Amend section 1, page 1, line 22, by deleting "*4.*" and inserting "*3.*".

Amend section 1, page 1, line 25, by deleting "*5.*" and inserting "*4.*".

Amend section 1, page 2, line 1, by deleting "*6.*" and inserting "*5.*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective upon passage and approval.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 158.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 24 of the 66th Session.

Resolution read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Myrna Williams, Porter, Arberry, Evans, Spitler, Price, Sader, Marvel, Anderson, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Ernaut, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Haller, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Neighbors, Perkins, Petrak, Regan, Scherer, Schneider, Segerblom, Smith, Tiffany, Toomin and Wendell Williams:

Assembly Concurrent Resolution No. 25—Memorializing the late James A. Joyce, long-time journalist, legislative advocate and political consultant.

WHEREAS, The members of the 67th session of the Nevada Legislature note with extreme sorrow the passing of their friend, Jim Joyce, one of Nevada's folk heroes, on March 2, 1993; and

WHEREAS, James A. Joyce was born in Denver, Colorado, on September 23, 1937; and

WHEREAS, James A. Joyce was a graduate of Las Vegas High School and earned a bachelor's degree in journalism from the University of Nevada; and

WHEREAS, James A. Joyce served in the United States Army and Army Reserve and received the United States Army Commendation Medal; and

WHEREAS, James A. Joyce was employed as press secretary and executive assistant by former Nevada Senator Howard Cannon from 1963 to 1972; and

WHEREAS, James A. Joyce founded Joyce Advertising, Inc., and Joyce and Associates, Inc., which together comprised one of the most successful advertising, public relations and government affairs businesses in Nevada history; and

WHEREAS, Jim Joyce, is survived by his loving son, Robin, daughter, Marilee, sister, Peggy, mother, Effie, stepson, Jeffrey Taylor, and two grandchildren, Miles and Jillian, as well as many friends and admirers; and

WHEREAS, His love for and dedication to his family was paramount in both his thoughts and his actions; and

WHEREAS, His life exemplified the human virtues of commitment, integrity, compassion and wit; and

WHEREAS, For over two decades, we have sought his counsel, respected his wisdom, and depended on his judgment; and

WHEREAS, As a legislative advocate he embodied the highest competitive spirit and the relentless pursuit of his cause, but was never affected by arrogance or pretension; and

WHEREAS, Jim Joyce was assertive but not intimidating; gentle but not weak; serious but not somber; quietly elegant but not ostentatious; and

WHEREAS, He was bold, farsighted and tenacious, he did not simply seek the comfort or convenience of the popular cause; and

WHEREAS, When helping to formulate public policy he did not fear controversy arising from what he believed to be a just cause; and

WHEREAS, Jim Joyce generously gave of his resources and abilities to his community, his peers and to those less fortunate; and

WHEREAS, His efforts on behalf of higher education, most particularly the Reynolds School of Journalism of the University of Nevada, Reno, were acknowledged in 1990 when he was awarded the President's Medal; and

WHEREAS, Jim Joyce made a personal contribution to Nevada's unique history and folklore by becoming a legendary character that only the imagination of Mark Twain could have truly captured; and

WHEREAS, Jim Joyce left a legacy of public service, political acumen and personal demeanor that can never be diminished or repeated; and

WHEREAS, We believe that Jim will now spend every day sitting in the heavenly bleachers of his beloved Fenway Park watching the Boston Red Sox win every seventh game of every World Series; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 67th session of the Nevada Legislature extend their heartfelt and sincere condolences to the family and friends of James A. Joyce; and be it further

RESOLVED, That we celebrate the life and legacy of a true Nevada gentleman; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to his son, Robin, his daughter, Marilee, his mother, Effie, his stepson, Jeffrey Taylor, his sister, Peggy, and his grandchildren, Miles and Jillian.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblymen Myrna Williams, Marvel, Chowning, Evans, Petrak, Price, Humke, Carpenter and Anderson.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:03 p.m.

ASSEMBLY IN SESSION

At 12:04 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

Remarks by Assemblymen Gregory, Toomin, Perkins, Porter and Dini.

Assemblyman Price requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

On Tuesday, a friend of 30 years, a mentor, died. It doesn't seem real. It still doesn't seem real. What makes it so unreal is, as I read the newspaper columns about him, all I read about is his accomplishments, and I guess that's because Jim was a private man and didn't really reveal his personal side. This was a man who was a great humanitarian, who loved children. He fought and worked for welfare mothers—which may surprise people—for child support, for victims of domestic violence. On a personal level, the other night one of our mutual friends said that Jim's favorite saying was, "Not to worry." Any of his friends who were in trouble or had any problems or difficulties would speak to Jim, and he would say, "Not to worry." This didn't mean that he was necessarily going to solve the problem, it meant that he would always be there. He was somebody you could turn to; he was somebody you could trust; whose confidence you could trust; whose word you could trust.

It's difficult to talk about. Jim had a side that was wonderful. He was a man who worked crossword puzzles with a pen which always amazed me, the "London Times." He was a man who loved to play Pac Man games, he loved sports, he loved playing Trivial Pursuit. A side that many people in this building never got to experience with Jim.

Politicians come and go. Lobbyists come and go, but good friends are forever and they're irreplaceable. Jim Joyce is irreplaceable in many of our lives. Thank you, Mr. Speaker

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I, too, rise in support of ACR 25. I had gotten to know Jim Joyce pretty well over the last 14 years in the legislature. Incidentally, Jim was a member of my fraternity at UNR in a different eon. One of the things I think people should remember is that Jim Joyce was a gentleman. He was an educator, not an intimidator, and I don't think that he ever tried to twist your arm to vote his way. He presented his case to you and you'd make your own decision. I am somewhat offended by an editorial I read yesterday, and I think what you are going to hear here today will overcome that editorial. I urge every member of this chamber to support this resolution. Thank you, Mr. Speaker.

ASSEMBLYMAN CHOWNING:

Thank you, Mr. Speaker. I rise in support of ACR 25. Probably the nicest thing we can do in having a testimonial is to have nice things said about us. I would like to say that Jim was always fair and possessed an extraordinary ability to listen. I was able to contact some of the former members of this body, and I would like to share with you some of their remarks.

Jim Banner, whom many of you served with, served nine terms. All nine terms were while Jim was here. In Jim Banner's concise way, his description was, "His word was good."

Eileen Brookman also served nine terms, six of which were with Jim. Some of the things she said have already been said, so I won't repeat them. But one thing she said was, "There will be a big void in the State of Nevada."

Jane Wisdom served two sessions, both with Jim, and her description says, "Jim was like a human diamond because he had so many points of light." Something she said that I think we all agree with is, "This gentle giant sleeps, may he rest in peace." Thank you.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I, too, rise in support of the resolution. I met Mr. Joyce for the first time in 1981 when I came to the legislature as an advocate, as a volunteer lobbyist. As it turned out, the one and only bill I worked on that session, was opposed by clients of Jim Joyce. Everybody warned me, "You're not going to get very far with your bill because you're going against the number one lobbyist in the Nevada Legislature." Even back in 1981, he had quite a reputation, often referred to as a Titan. I think that's appropriate. But as it turned out, I introduced myself to him early in the session and explained what the bill was all about. It was the domestic violence funding bill, and he said, as the Speaker pro Tempore told you a moment ago, "Not to worry."

Well, what does that mean? His follow-up statement was, "This is an important bill. It's a bill whose time has come, and I will tell my clients that I intend to support your bill, and if they don't like it, they can hire somebody else." You can imagine my relief. But it says something about the person, the individual. Jim was a student of the process and a constitutional scholar, and he did his homework. But he always kept in mind the big picture. And it wasn't just a matter of representing his clients, because if he felt in his heart that it was not in the best interests of Nevada, he wouldn't support it. Rest in peace, Jim.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. I rise in support of this resolution. I would like to say that I have known Jim Joyce as a friend. I've known him for three years and I consider him a real friend. Many times, he would see me and say, "How's your grandson, Scott, doing?" He didn't have to say that, but the reason he said that and he had an interest was because my grandson, Scott, is going to Northwestern University School of Journalism, so I kind of hit on Mr. Joyce. I'd say, "When he graduates, I'm going to bring him out to Las Vegas and I'm going to talk to somebody about a position for him." He became a friend of mine, and every time he would see me, he would say, "How are things going?" and would always ask about my girlfriend that I live with, and I thought that was real nice. He was always interested. Jim Joyce is truly a giant. I'd like to say he will always walk tall among men, and I'll miss him. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you to this honorable body, the first time I remember meeting Jim he was still with Senator Cannon's office, before he began his career here. In my mind, he certainly achieved being a legend in his own time. He was a fine Nevadan, a fine citizen over our 20-some-odd year relationship. We would obviously be on the same side of many issues, and on a different side of many issues over the years. He conducted himself in these halls and outside these halls with honor and dignity.

I had not looked at this editorial until it was mentioned by my colleague, and as I look at the *Reno Gazette Journal* editorial from yesterday, I have to say I think it was in poor taste to use such words as "power brokers," etc. And even as they indicate here, he has worked within the law and within the rules of the system. I'm certainly not opposed to changing

the system, that's why we're here and we do what we do. It angers me to see someone being criticized at this time when it goes on to indicate they have worked within the rules and have worked within the policies. If we don't like those, there's nothing wrong with changing them, but it does bother me a little bit.

As most of you know, Jim and I were on separate sides of campaigns a couple sessions back. He worked hard and I worked hard. The day after that election was over, that was behind us.

The last time I actually visited with Jim was at a Christmas party in his office, which he was very proud of. He had purchased a very historical home in Las Vegas and converted it into the offices of Joyce Advertising. It's a beautiful little home that used to belong to a former chief of police in Las Vegas. While he did not look healthy, he was very happy to be surrounded by friends on that particular day. I believe it was the next day he went into the hospital and never returned. I cannot say words fine enough about how he conducted himself in his business. He will be remembered. He has made his positive mark on Nevada, and I hope he is resting in peace. I know he is now.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I only knew Mr. Joyce for ten years. I can think of no greater compliment than to say that he was a "stand-up guy" and his word was his bond. You could do business with him on a handshake basis, no matter what that business would be. Many of us have expressed the bitter disappointment at certain editorial treatment of Mr. Joyce in the wake of his death. That is inappropriate, I believe, notwithstanding the First Amendment.

I'd just like to relate something that happened in my presence with Mr. Joyce. I had a series of interns when I first started in the legislature. They happened to be three young ladies from the University of Nevada in Reno, and they all had the same professor. I believe it was Professor Driggs, who left the impression that many of the lobbyists had horns. They were like the devil, perhaps. That's my interpretation, I'm not quoting Professor Driggs, a very fine professor, but he had a certain impact on these interns. I made it a habit to introduce those interns to Mr. Joyce, and he would come into my office and spend half an hour, sometimes an hour, just talking with them. That did two things: one, I think Mr. Joyce has three very strong supporters in this state now. As a result of those conversations, they have changed their perceptions. And it demonstrated another thing and that was his great love for students at the University of Nevada at Reno, and for education in general. I don't think it's possible to say enough nice things about this gentleman. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I, too, rise in support of ACR 25. I remember a few years back, Jim was pushing a bill to limit punitive damages that a jury could award. About that time there had been a large jury award in Las Vegas. In the neighborhood of a few hundred million, or something like that. I was kind of a novice and I thought well, if we cut that award down to maybe only ten percent, it would be a really good deal. I suggested the limit maybe should be about $20 million. Of course, this was much higher than Jim wanted, so after that he always called me his "$20 million cowboy." The other evening I was watching a TV interview, and Jim said something to the effect, "You know, I never get mad at a legislator because he's not on my side on a particular issue, because tomorrow he may be right with me." I think that says a lot for Jim Joyce. He was a gentleman and surely a lot of fun to be around. Thank you, Mr. Speaker.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I also rise in support of this resolution. I guess the great privilege of being here as a legislator is overshadowed every once in awhile by the greater privilege of being a teacher. I enjoyed Mr. Joyce because of his commitment to education and how highly he placed education in his view of the basic things of life that needed to be supported. I think that basic foundation, that child in him that never died, gave him the sense of being who he really was. He reflected that in all of his actions. He never lost that sense of excitement that comes from childhood, from education and from learning. As a teacher, I once asked him for some information to support my government class in dealing

with lobbyists, what they do, and he as a person who puts out campaign material. I was deluged with materials to support my classroom from a wide variety of sources that I would have never dreamed existed. He didn't care whether you taught in Clark County or whether you taught in Washoe County or if you taught in Esmeralda County. He cared about the process. His commitment to education, a life-long learning, is the kind of thing that we always need to keep in mind, and for that reason he will always hold a hallowed place in my heart. Mr. Joyce is a person that will truly be missed.

ASSEMBLYMAN GREGORY:

Thank you, Madam Speaker pro Tempore. I certainly haven't known Mr. Joyce as long as many of you in this body. I certainly didn't know him as well as the Speaker pro Tempore, but I must say that Jim always treated me with respect and kindness. I must tell you I expected something different of Jim. When I first campaigned, from what I read in the papers, I was quite frankly amazed at the man whom I met because of the way I was treated by him. When I heard of Jim's passing, something occurred to me, a good analogy that I thought of Jim. Many star athletes today are compared to the great athletes of years ago, and I think many lobbyists will be compared to Jim in the years to come, but I don't think any of them will ever fill his shoes. I think when most of us here are dead and gone ourselves, we will be forgotten, but I think the legend of Jim Joyce will live on in these halls forever. Thank you, Madam Speaker pro Tempore.

ASSEMBLYMAN TOOMIN:

Thank you, Madam Speaker pro Tempore. I rise in support of this resolution as well. I knew Mr. Joyce in a much different way than most of you here. I had the pleasure and honor of meeting Jim in 1983 when I signed him to a membership at the Las Vegas Sporting House where I was the manager at that time. I spent many a day and evening in the steamroom with Jim and talked about a lot of varied subjects, none of which were about politics. We talked about sports and a lot of other things.

I left the Sporting House in 1986. My wife and I bought a pool company. Jim, in August of that year, retained our company to take care of his swimming pool. There are many funny stories that I could relate to you with regard to his Doberman pinschers and my servicemen which almost culminated in several lawsuits.

In 1990 I decided to throw my hat in the political arena. At that point in time, Jim and I had become fairly good friends. We shared the same barber as Madam pro Tempore and I do now. We shared many conversations and listened to a lot of rumors and, again, we sat in that steamroom and talked about a lot of subjects. One day, as I said, I decided to throw my hat in the ring and told Jim I wanted to run for the county commission. He looked at me like I was crazy. He also told me that I didn't have a "Chinaman's chance" and that I wasn't suited for politics. Also, I would be much better off doing what I was doing. We talked many times after that.

As most of you in this room know, he supported my opponent in the primary during last year's election. Jim and I had many philosophical differences although we shared many of the same topics of conversation. We both enjoyed doing crossword puzzles and we obviously enjoyed working out quite a bit.

After the primary was over, I got a a phone call from Jim. He wanted to see me. I went down and talked with him and even though our philosophical differences remained in opposite directions, he supported my campaign and I respected him.

I only have one question. Jim, what do I do now? Thank you, very much.

ASSEMBLYMAN PERKINS:

Thank you, Madam Speaker pro Tempore. I rise in support of ACR 25. At first, I wasn't going to speak because I didn't feel worthy to speak on this topic for such a great person. The more I listen to the comments of this body, the more I understand that Jim stood for the little person of which I consider myself a member.

I had the opportunity to visit these halls during the 1987, 1989 and 1991 sessions and I watched Mr. Joyce work in the halls and I listened to people talk about him. All of them had high regards for him.

As many of you know, I am a very tall person but I always saw him standing at least a foot taller than I. The first time I met him was at the beginning of my campaign. He called

and we had a meeting. As the remarks by the minority leader expressed, he was an educator, not an intimidator. Well, my first meeting with Jim didn't help me. I was quite intimidated to come into his office the first time. My biggest worry was what was I going to say and what was I going to ask him. Those fears were allayed quite quickly as he did all the talking and put me to rest.

The contacts I had with Jim Joyce were always very good and his advice was always very solid. As I said originally, he stood for the little people. The little people of this state are those who are going to suffer the most by his passing. Thank you.

ASSEMBLYMAN PORTER:

Thank you, Madam Speaker pro Tempore. I rise in support of ACR 25. I don't know that I can duplicate the sincerity of your remarks nor the eloquence of the minority leader, but I don't mind saying that I have had a real short legislative career. Madam Speaker pro Tempore, it is getting kind of old memorializing people that I have served with and worked with.

It always brings me back to what Rodney King said in the context that, "Can't we all just learn to get along?" I've had the fiercest battles of my career with my distinguished colleague from District 26, Mr. Humke. At Mr. Kerns' funeral last year, we used that opportunity to shake hands. Mr. Humke and I now understand each other and that it is okay to agree to disagree. I think Jim Joyce stood for that concept more than any other lobbyist that I have had the opportunity to work with. It was okay to disagree with Jim. You may have run a risk of doing that in any number of ways but it was okay to disagree. There are so many people who work these halls and tell us things that we think we want to hear. The one thing about Jim, as everyone else has said, you always knew where he was coming from. The reason why Jim was successful was because he was effective and he told you straight up where he was and what he was going to do, but that it was okay to disagree.

To you and through you Madam Speaker pro Tempore, to my colleague from District 26, serving with you and him has taught me something, David. Thank you.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore. I guess because I have served here the longest, I have probably known Jim the longest because of the first session he came here in his relationship with the legislature. He epitomized belief in the State of Nevada. Jim always believed first in the State of Nevada. He was one of those threads from the old school. He attended the University of Nevada, Reno, and graduated from journalism with the thread that said that this is the great State of Nevada. That is what we are going to miss the most from him.

From my personal standpoint and my family, he was very close to my family. If I had a family problem, it was his problem. He always called to see if everything was okay. He and my wife traded political buttons for the last 15 years. All of a sudden, there would be a package in the mail with a big bunch of buttons that he had collected around the United States. She would send him another batch and they carried that on for many years, so the relationship is a great personal loss in our family.

You know, the resolution mentions Mark Twain. He is one of my idols, not just because I represent the Comstock and Virginia City, but because of the quips that have come from many years of reading his work. Had Jim stayed in journalism as a newspaper reporter, I think we, in a few years, would be reciting the quips that he gave to us on an individual basis. I think, had Jim stayed in journalism, he would be in history in the same relationship as Mark Twain is. I know that he is going to be standing up there over Mt. Davidson in Virginia City looking over us and saying, "Take care of my state."

Now if you don't mind, if you would rise, I would like to lead you in the Lord's Prayer in honor of Jim. Please recite with me:

> Our Father, who art in heaven, hallowed be Thy name.
> Thy kingdom come, Thy will be done on earth as it is in heaven.

Give us this day, our daily bread and forgive us our
trespasses as we forgive those who trespass against us.
And lead us not into temptation, but deliver us from
evil. AMEN.

Resolution adopted unanimously.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills No. 48, 74; Assembly Concurrent Resolution No. 22; Senate Concurrent Resolution No. 10.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Roland Daniels.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to students from Northern Nevada Community College, Western Nevada Community College, Truckee Meadows Community College and the University of Nevada, Reno.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jack Neal and students from Reno High School.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Shelley Berkley and Mr. Max Berkley.

Assemblyman Bennett moved that the Assembly adjourn until Friday, March 5, 1993 at 10:15 a.m.

Motion carried.

Assembly adjourned at 12:20 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FORTY-SEVENTH DAY

CARSON CITY (Friday), March 5, 1993

Assembly called to order at 10:28 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Price, Myrna Williams and Wendell Williams, who were excused.

Prayer by the Chaplain, Father Jerry Hanley.

God our Father, bless those elected to serve us, the people of Nevada. Fill their words, actions and decisions with the common good that You would call us to. Bless their tough times, Lord, with the hope of tomorrow. May Your will be done through them so we will be better throughout this state because they have been here. Bless those You have called home to You, Lord, those we know. Bless their families and their mourning. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 4, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 166.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 16, 65, 66, 72.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Gibbons, Marvel, Ernaut, Scherer, Gregory, Humke, Heller, Regan, Hettrick, Augustine, Carpenter, Tiffany, Lambert, McGaughey, Schneider, Bonaventura, Petrak, Collins, Haller, Segerblom and Wendell Williams:

Assembly Joint Resolution No. 21—Proposing to amend the constitution of the State of Nevada to require an affirmative vote of not fewer than two-thirds of the members of each house of the legislature to increase certain existing taxes or impose certain new taxes.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 18 of article 4 of the constitution of the State of Nevada be amended to read as follows:

[Sec:] *Sec.* 18. *1.* Every bill, except a bill placed on a consent calendar adopted as provided in [this section, shall] *subsection 3, must* be read by sections on three several days, in each House, unless in case of emergency, two thirds of the House where such bill [may be] *is* pending shall deem it expedient to dispense with this rule . [; but the] *The*

reading of a bill by sections, on its final passage, shall in no case be dispensed with, and the vote on the final passage of every bill or joint resolution shall be taken by yeas and nays to be entered on the journals of each House . [; and] *Except as otherwise provided in subsection 2,* a majority of all the members elected to each house [, shall be] *is* necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed, shall be signed by the presiding officers of the respective Houses and by the Secretary of the Senate and clerk of the Assembly.

2. Except as otherwise provided in this subsection, an affirmative vote of not fewer than two-thirds of the members elected to each house is necessary to pass a bill or joint resolution which increases or imposes any tax, in any form, based upon:

(a) The value of real property;

(b) The retail sale or use in this state of tangible personal property;

(c) The receipts, income, assets, capital stock or number of employees of a business, including a business engaged in gaming;

(d) The net proceeds of minerals extracted or any other net proceeds of mining;

(e) The volume, weight or alcoholic content of liquor imported, possessed, stored or sold in this state; or

(f) The number or weight of cigarettes or any other tobacco product purchased, possessed or sold in this state.

The requirement of this subsection does not apply to a fee which is imposed on the right to use or dispose of property, to pursue a business or occupation or to exercise a privilege if the primary purpose of the fee is to reimburse the state for the cost of regulating an activity and not to raise the public revenue.

3. Each House may provide by rule for the creation of a consent calendar and establish the procedure for the passage of uncontested bills.

Assemblyman Gibbons moved that the resolution be referred to the Committee on Taxation.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Haller:

Assembly Bill No. 320—An Act relating to the City of Reno; requiring that candidates for councilmen who represent a specific ward be voted upon only by the registered voters of that ward at the primary election; and providing other matters properly relating thereto.

Assemblyman Haller moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 321—An Act relating to court-appointed counsel; revising the fees paid to certain attorneys appointed to represent criminal defendants; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Segerblom, de Braga, Chowning, Perkins, Hettrick, Bonaventura, Neighbors, Petrak, Carpenter, Schneider, Wendell Williams, Collins, Marvel, Kenny, Giunchigliani, Sader, Garner and Price:

Assembly Bill No. 322—An Act relating to state agencies; requiring the establishment in Laughlin of branch offices for the department of motor vehicles and public safety and for the welfare division of the department of human resources; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

Senate Bill No. 16.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 65.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 66.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 72.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 182.

Bill read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 38, 40, 41, 126, 133, 158; Assembly Joint Resolution No. 24 of the 66th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 55, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Justice of the Peace Ed Johnson.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Gary Glogovac,

Gust Proutsos, Jim Ringer, Darrel Wright and the following students from Hug High School, Reno: Brian Allen, Gina Archuleta, Kristin Armstrong, Isreal Bennett, June Bogle, Chanacie Castodio, Matthew Cross, Kreston Eaton, Gary Goins, David Hardcastle, Jeremy Kearns, Ian La Rose, Justin Legenbauer, Kristine Neuschwander, Jeremy Parks, Kamie Sida, Ryan Simpson, Judith Stewart, Mark Sun, Wayne Tellez, Brian Thiessen, Naomi Thomas, Tawnie Vastano, Damon Watson, Stephanie Ahaus, James Cammarota, Stacy Carter, James Doss, Lisa Edwards, Ron Faust, Eric Freeman, Nadine Freeman, Jennifer Fuller, Gary Graham, Tiffany Hallen, Michael Heim, Stephanie Henderson, Jasonlee Hohman, Heather Kemp, Tim Kist, Kristina Koral, Waldo Mejia, Brandy Menderhausen, Joshua Moon, Brenda Murch, Jesse Nuckolls, Ralph Parks, Chris Pena, Erika Barajas, Joe Eckman, Curt Engle, Amanda Garris, Trish Leffingwell, Shannon Monticelli, Elijah Robinson, Tyra Stanley and Corrina Weeks.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jennifer Fuller.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Justice of the Peace Doug Struthers.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Peggy Lorge, Messrs. Tim Green, Mark Higgins and the following students from Pyramid Lake High School, Nixon: Elliot Ramirez, Elena Rodriguez, Deirdra Queahpama, Jason Davis, Marie Davis, Marie Frazier, Kristi Williams, Arica Greene, Merwyn Crutcher, Vinton Hawley, Edward Dick, Joanie Wadsworth and Penny Mix.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Donalene Ravitch.

Assemblyman Porter moved that the Assembly adjourn until Monday, March 8, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 10:44 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FIFTIETH DAY

CARSON CITY (Monday), March 8, 1993

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, Father Jerry Hanley.

Our Heavenly Father, as we take our concerns, anxieties and hopes and place them anew in Your hands today, show us in an ever deeper way that You are truly with us as our help, guide and strength. We thank You for what You give us. We ask Your blessings on this assembly, on their families and on those they serve. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:10 a.m.

ASSEMBLY IN SESSION

At 11:16 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 91, 162, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 169, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 165, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 71, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 82, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was re-referred Assembly Bill No. 68, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

ROBERT M. SADER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 5, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 25.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Joint Resolution No. 22—Urging Congress to reject certain legislation related to mining.

Assemblyman Myrna Williams moved that all rules be suspended, reading so far had considered first reading, rules further suspended, resolution considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Myrna Williams.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 323—An Act relating to motor vehicles; requiring a short-term lessor of a passenger car to collect a fee from a short-term lessee; requiring a portion of such fees to be remitted to the department of motor vehicles and public safety; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 324—An Act relating to health insurance; creating the state reinsurance program for health insurance for small employers; requir-

ing that premiums for health insurance for employees of small businesses be based upon the experience of all employees in similar businesses; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 325—An Act relating to actions concerning property; specifying when procedures for the summary eviction of a tenant may be used; revising those procedures; excluding a tenant whose rent is subsidized by federal, state or local money from certain of those procedures; making various changes regarding the issuance of a writ of restitution under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 326—An Act relating to industrial insurance; permitting two or more public agencies or nonprofit medical facilities to enter into a cooperative agreement for the purpose of obtaining industrial insurance; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 327—An Act relating to traffic laws; requiring a court to collect the fee for the chemical analysis of blood, urine, breath or other bodily substance from certain defendants before or at the same time that any fine is collected; authorizing certain courts to use a portion of the fees collected for the administration of the court; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 328—An Act relating to the judiciary; providing that the number of years of judicial service required for a justice of the supreme court or a district judge to qualify for a pension benefit be the same as for a member of the public employees' retirement system; reducing proportionately the amount of the pension to be received by a justice of the supreme court or a district judge upon initial vesting of his pension; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Arberry, Wendell Williams, Spitler, Porter, Giunchigliani, Myrna Williams, Marvel and Garner:

Assembly Bill No. 329—An Act making an appropriation to the City of North Las Vegas for the costs of relocating residents of Windsor Park whose homes are sinking; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Arberry, Wendell Williams, Spitler, Giunchigliani, Myrna Williams, Marvel and Garner:

Assembly Bill No. 330—An Act making an appropriation to the health division of the department of human resources to develop and carry out pilot programs concerning sickle cell anemia; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 55.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 20.

Amend section 1, page 2, line 24, by deleting: "*, including any interest accrued thereon,*".

Amend section 1, page 2, line 27, by deleting: "*, including any interest accrued thereon,*".

Amend section 1, page 2, by deleting lines 32 through 37 and inserting:

"(b) Two dollars and fifty cents for credit to a special [account in the municipal general] *revenue* fund for the use of the municipal courts. *Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the municipal general fund if it has not been committed for expenditure in accordance with a plan for the acquisition of capital goods. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.*".

Amend section 1, page 2, lines 40 and 41, by deleting: "*, including any interest accrued thereon,*".

Amend section 1, page 2, lines 44 and 45, by deleting: "*, including any interest accrued thereon,*".

Amend section 1, page 3, by deleting lines 1 through 6 and inserting:

"(b) Two dollars and fifty cents for credit to a special [account in the county general] *revenue* fund for the use of the justices' courts. *Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure in accordance with a plan for the acquisition of capital goods. The county*

treasurer shall provide, upon request by a justice's court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.".

Amend section 1, page 3, by deleting lines 13 through 26 and inserting: "*Money used to improve the operation of the court may include expenditures for:*

(a) Training and education of personnel;

(b) Acquisition of capital goods;

(c) Management and operational studies; or

(d) Audits.

8. Of the total amount deposited in the state general fund pursuant to".

Amend section 1, page 4, by deleting lines 4 through 25 and inserting:

"9. As used in this section, "juvenile court" means:".

Amend the title of the bill to read as follows:

"An Act relating to administrative assessments for misdemeanors; making various changes to provisions governing the disbursement and use of such assessments; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

GENERAL FILE AND THIRD READING

Assembly Bill No. 38.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Assembly Bill No. 38:

YEAS—39.

NAYS—Arberry, Porter—2.

Absent—Carpenter.

Assembly Bill No. 38 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 40.

Bill read third time.

Remarks by Assemblyman Kenny.

Roll call on Assembly Bill No. 40:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 40 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 41.

Bill read third time.

Remarks by Assemblyman Garner.
Roll call on Assembly Bill No. 41:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 41 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 81.
Bill read third time.
Remarks by Assemblyman Schneider.
Roll call on Assembly Bill No. 81:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 81 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 126.
Bill read third time.
Remarks by Assemblyman Freeman.
Roll call on Assembly Bill No. 126:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 133.
Bill read third time.
Remarks by Assemblymen Segerblom, Scherer and Garner.
Roll call on Assembly Bill No. 133:
YEAS—38.
NAYS—Anderson, Collins, Scherer—3.
Absent—Carpenter.

Assembly Bill No. 133 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 155.
Bill read third time.
Remarks by Assemblyman Lambert.
Roll call on Assembly Bill No. 155:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 155 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 158.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Assembly Bill No. 158:

YEAS—40.

NAYS—Scherer.

Absent—Carpenter.

Assembly Bill No. 158 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 182.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 182:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 182 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 24 of the 66th Session.

Resolution read third time.

Remarks by Assemblyman McGaughey.

Roll call on Assembly Joint Resolution No. 24 of the 66th Session:

YEAS—39.

NAYS—Collins, Price—2.

Absent—Carpenter.

Assembly Joint Resolution No. 24 of the 66th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 22.

Resolution read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Joint Resolution No. 22:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Joint Resolution No. 22 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 162 be re-referred to the Committee on Commerce.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 166; Senate Bills Nos. 32, 97.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Jo Briggs.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sherry Schroeder.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Nevada Women's Lobby.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Dehlia Martinez.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Paula Winne.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Maslach, Reeder, Sheffield, Miller, Diana Arnold, Maryann Kass, Melanie Torres, Jena Iverson, Mr. Gentry and the following students from Westergard Elementary School, Reno: Derak Berreyesa, Joshua Borba, Spencer Brant, Jeffrey Cheek, Daniel Gubbels, Benjamin Hatcher, Lisa Hayworth, Sadra Hiatt, Kevin Jamison, Edward Jones, Kristopher Klinger, Kymberly Ladaga, Simon Li, Melissa Markee, Kelsey McCann, Troy Mendenhall, Michael Meservy, Cindi Morgan, Tye Mortensen, Laura Ohran, Jennifer Pearce, Traci Beck, Sarah Romike, Hi Thai, Heather Walker, Kelly Wetzler, Rainney Bohdan, Brianne Chappell, Justin Doerr, Stephen Edwards, Sara Frank, Candace Fuhrmann, April Garreston, Ross Gunn, Beau Keenan, Ryan Kennedy, Monwei Kuo, Ryan Leary, Victoria Lopez, Kevin Lulis, Brandon McGrath, Adam Nicely, Katie Olson, Amy Pedersen, Kristen Ryan, Patrick Spydell, Jamie Tieslau, Alexis Tucey, Michelle Vanbeekom, Andy Anderson, Justin Anderson, Justin Bayati, Ian Bender, Nic Blancard, Jennifer Chai, Kenny Foster, Josh Gavrich, Brian Glazner, Amanda Grinde, Kojo Hamilton, Cathy Huerta, Jacqueline Jeanney, Donny Johnson, Charles Kazemi, Andrea Klink, Peter Laidlaw, Jessica Magee, Kyle McCann, Tatum Merkel, Jon Miller, Ashlee Priddy, Scott Severn, Alex Cardenas, Sherry Chatterton, Staci Clark, Andy Crow, Ryan Farrington, Ben Flood, Amber Gonda, Jennie Isenberg, Wade Iverson, Julie Kass, Megan Owens, David

Price, Adam Protain, Sarah Stewart, Elizabeth Torres, Jason Sheffield, Barrett Sinonton, Rossitza Todorova, Becky Tolan, Josh Varischetti, Robyn Voss, Stephanie Wirthlin and Trisha Thennis.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Reuben Law.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Helen Mortenson.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Cam Sutherland.

On request of Assemblyman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Irene Denton.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Florence McClure.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, March 9, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 11:57 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FIFTY-FIRST DAY

CARSON CITY (Tuesday), March 9, 1993

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Norman King.

Heavenly Father, we ask You to bless our legislators today as they meet. Inspire and counsel them with Your wisdom, protect them with Your love. So gifted, may they help all Your people in the Silver State to live in greater peace with justice extended to everyone.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Concurrent Resolutions Nos. 17, 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 205, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 8, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 2.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 63, 67, 89.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 116, 122.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Assembly Bill No. 165 be taken from the Second Reading File and re-referred to the Committee on Labor and Management.

Remarks by Assemblyman Giunchigliani.

Motion carried.

Assembly Concurrent Resolution No. 17.

Assemblyman Tiffany moved the adoption of the resolution.

Remarks by Assemblyman Tiffany.

Resolution adopted.

Assembly Concurrent Resolution No. 18.

Assemblyman Collins moved the adoption of the resolution.

Remarks by Assemblyman Collins.

Resolution adopted.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:15 a.m.

ASSEMBLY IN SESSION

At 11:18 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 331—An Act relating to taxes on insurance premiums; requiring an insurer to make an annual prepayment of the tax estimated to be due for the current calendar year; providing an administrative fine and penalty for underpayment of the tax; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 332—An Act relating to optometry; authorizing certification of an optometrist to administer and prescribe therapeutic pharmaceutical agents; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 333—An Act relating to trust companies; clarifying that the provisions governing trust companies are not applicable to a person

acting as a trustee under a mortgage if he is not otherwise engaged in the business of a trust company; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 334—An Act relating to mobile home parks; prohibiting willful harassment of a tenant of a mobile home park by a landlord; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 335—An Act relating to social workers; establishing provisional licenses for social workers; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 336—An Act relating to traffic laws; exempting a driver of a taxicab from the requirement of wearing a safety belt while he is on duty; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Dini, Sader, Marvel, Gregory, Neighbors, Hettrick, Humke, Anderson, Collins, Giunchigliani, Bennett, Porter, Regan, Bache, Schneider, Smith, Perkins, Garner, Arberry, Price, Petrak, Bonaventura, Carpenter, Evans, McGaughey, Chowning, Scherer, Wendell Williams, Augustine, Tiffany, Haller, Myrna Williams, Heller, Kenny, Toomin and Segerblom:

Assembly Bill No. 337—An Act relating to water; clarifying certain statutory provisions to reflect established practice; ratifying past actions of the state engineer; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 63.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 67.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 89.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 116.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 122.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 57, 87, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 71.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 80.

Amend section 1, page 1, by deleting lines 10 through 15 and inserting: "*the person submitting the request within 120 days after the request.*".

Amend section 1, page 1, by deleting lines 18 through 21 and inserting: "property.

3. [To be admissible under this section, photographs of property must be] *The court may order the retention of the property:*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 82.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 91.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 74.

Amend section 1, page 2, by deleting line 3 and inserting: "*shall, unless the application or request relates to a contract of group life insurance or of group or blanket health insurance, cause notice of the application or request to be mailed to the insured*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 169.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 71.

Amend section 1, page 1, by deleting lines 8 and 9 and inserting: "*such certificates. The board shall determine the standard form for the abstracted certificates.*".

Amend the title of the bill, second line, by deleting: "under certain circumstances;" and inserting a semicolon.

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 68.

Bill read third time.

Remarks by Assemblyman Smith.

Roll call on Assembly Bill No. 68:

YEAS—41.

NAYS—Carpenter.

Assembly Bill No. 68 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Resolution No. 6—Amending the Standing Rules of the Assembly by adding a member to the standing committees on Judiciary and Government Affairs.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Rule 40 of the Standing Rules of the Assembly as adopted for the 67th session of the Legislature is hereby amended to read as follows:

40

Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, thirteen members.
2. Judiciary, [fourteen] *fifteen* members.
3. Taxation, eleven members.

4. Education, eleven members.
5. Elections and Procedures, eleven members.
6. Natural Resources, Agriculture and Mining, eleven members.
7. Labor and Management, eleven members.
8. Transportation, nine members.
9. Commerce, thirteen members.
10. Health and Human Services, eleven members.
11. Government Affairs, [thirteen] *fourteen* members.

Assemblyman Myrna Williams moved that Standing Rule No. 91 be temporarily suspended for the purpose of adopting the resolution amending Standing Rule No. 40.

The motion, having received a two-thirds majority, Mr. Speaker declared it carried.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted unanimously.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:45 a.m.

ASSEMBLY IN SESSION

At 12:01 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 9, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 22.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Heller, Smith, Hettrick, Chowning, Segerblom, Perkins, Bonaventura, de Braga, Kenny, Anderson, Humke, Lambert, Augustine, Collins, Arberry, Scherer, Garner, Bennett, Myrna Williams, Giunchigliani, Porter, Bache, Marvel, Spitler, Ernaut, Evans, McGaughey, Dini, Tiffany, Neighbors, Petrak, Price, Freeman, Schneider, Gregory, Carpenter, Toomin, Haller, Gibbons, Regan, Wendell Williams and Sader:

Assembly Joint Resolution No. 23—Urging Congress to establish uniform hours for the opening and closing of polls across the nation in elections for national officers.

Assemblyman Heller moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Carpenter, Neighbors, Marvel, Hettrick, de Braga, Regan, Humke and Gibbons:

Assembly Bill No. 338—An Act relating to wildlife; requiring the department of wildlife to obtain the approval of the board of wildlife commissioners before taking certain actions; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 25.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Melanie McGuire, Vitus Adams, Virginia Nish, Liz Stanton and Beverly Wilson.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Diane Gunderson, Vicki Yukish, Catherine Armer, Mr. Matthew Anderson and the following students from Jerry Whitehead Elementary School, Reno: Daniel Bearden, Janeal Borge, Matt Burkhardt, Robert Cisneros, Christine Damon, Andrea Davis, Lacie DeYoe, Michael Elcano, Jennifer Finley, Aaron Friberg, Jeff Grundy, Brett Hall, James Hartshorne, Rick Johnson, Rebecca Loesch, Jacob Marble, Shawn McArdle, Joseph McEwan, Elise McHardy, Pedrum Minaie, Mandy Nichols, Amber Ohl, Kasey Shepard, Steven Sperber, Ben Van Voyen, Kristen Kaileseld, Eric Jones, Lawrence Collin, Katrin Aldecoaotalora, Julia Banks, Sarah Brannan, Nicholas Briscoe, Mike Caplinger, Molly Carrigan, Clinton Davidson, Ashley DeCuir, Derek Elliott, Kile Fye, Jenna Guy, Matt Harris, Kellie Hohnholz, Brandi Matt, Marissa Medeiros, Angela Monk, Keith Newman, Victor Ortiz, Jeffrey Palmer, Robert Ponte, Josh Scilacci, Brett Shirey, David Stevenson, Rian Stewart, Andrea Upson, Caitlyn Wallace, Adam Wilson and Bryan Yee.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Anne Macomber.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Alison Gaulden-Willis.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Kim Griffin.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Deputy Consul General Li Shangsheng.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Kelly Digiusto and Susan Klink.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, March 10, 1993 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:05 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FIFTY-SECOND DAY

CARSON CITY (Wednesday), March 10, 1993

Assembly called to order at 10:36 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Jerry Hanley.

O, God of Abraham, Isaac and Jacob, help us to begin anew and fresh today. Let the choice be to let go of old feelings, thoughts or attitudes that may have kept our good or Your word from us. God bless our day, this assembly, and those who suffer the most this day in our state. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 9, 1993

To the Honorable the Assembly:

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 6 and respectfully requests your honorable body to concur in said amendment.

I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolutions Nos. 5, 10.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 36, 38.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 11.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, March 10, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 12.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 11:

Assemblyman Porter moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 339—An Act relating to ethics in government; expanding the authority of a specialized or local ethics committee to issue opinions; authorizing a local government or state agency to establish a code of ethical standards; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 340—An Act relating to municipal judges; increasing the term of office for all municipal judges; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Bonaventura, Porter, Gibbons, Scherer, Dini, Humke, Bennett, Perkins, Spitler, Giunchigliani, Anderson, Collins, Gregory, Bache, Segerblom, Chowning, Toomin, Regan, Schneider, Augustine, Hettrick, Wendell Williams, Petrak, Ernaut, Neighbors, Heller, de Braga, Price, Carpenter, Smith, Kenny, Evans, Garner, Myrna Williams, Arberry, Haller, Marvel, Freeman and McGaughey:

Assembly Bill No. 341—An Act relating to paralegals; providing for the registration and licensing of paralegals; prohibiting certain acts by persons who are not registered or licensed paralegals; creating the Nevada paralegal council; making an appropriation; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Bonaventura moved that the bill be referred to the Concurrent Committees on Commerce and Ways and Means.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 342—An Act relating to industrial insurance; revising the maximum pay various employees are deemed to receive for certain purposes relating to industrial insurance; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 36.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 38.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Assemblyman Giunchigliani moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:48 a.m.

ASSEMBLY IN SESSION

At 10:55 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 101, 136, 137, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 173, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 242, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 57.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 85.

Amend section 1, page 2, by deleting lines 22 and 23 and inserting: "obtain [a sample] *samples* of blood from the person to be tested. *Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 87.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 87.

Amend sec. 5, page 5, line 17, by deleting "*filing officer*" and inserting: "*secretary of state*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 205.

Bill read second time, ordered engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 82.

Bill read third time.

Remarks by Assemblymen Anderson, Porter, Price, Sader, Regan and Collins.

Roll call on Assembly Bill No. 82:

YEAS—23.

NAYS—Arberry, Augustine, Bonaventura, Carpenter, Chowning, Collins, de Braga, Evans, Giunchigliani, Kenny, McGaughey, Neighbors, Porter, Price, Segerblom, Spitler, Myrna Williams, Wendell Williams, Mr. Speaker—19.

Assembly Bill No. 82 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 12.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini, Marvel, Ernaut and Anderson.

Assemblyman Gibbons requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Madam Speaker pro Tempore and members of this body, I feel really inadequate to speak to you about this distinguished Nevadan who we have here with us today. I have had the good fortune of being associated with him in many different areas in the past 35 or 40 years. I don't want to admit to all that time.

He has always been an outstanding person in this state. If you knew him and watched his career, whether it was in highway construction or being the state engineer or being involved in water matters, the subconservancy district, anything in Washoe County had Ed Pine's name written all over it as he went along in life.

I had the distinct pleasure of serving with him and alongside of him in Masonry where he is recognized throughout the United States as one of the most outstanding Masons in our country. He serves high up in the national Masonry Organization. He has also had an outstanding career in supporting the Shrine Hospitals which are so great for our children. I think he has been on the board of directors of three Shrine Hospitals in his career.

At anytime in the history of the University of Nevada, if you want to look through the records, you see Ed Pine's name written in the University history. I think he served 20 years on the Washoe County School Board just as a sideline. You can see by his record that he has been a very busy man. He is one who has distinguished himself with honesty and integrity and doing the job for the people in our state.

I would like to commend and thank a great man, Ed Pine, for the wonderful career he has had. I can't believe that he is going to retire from everything, because he has been so active. We want to commend to him our highest honors and thanks for a job well done for the people in the State of Nevada. Thank you, Ed.

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of S.C.R. 12. Ed Pine is not only a great man but he is a living legend. I would say that he is an institution of citizenry and humanitarianism.

I have known Ed since I was an undergraduate at the University of Nevada. This is where Ed and I, like Speaker Dini, have worked throughout the years in our Masonic community. Ed, matter of fact, has been my sponsor for the Scottish Rites and the Shrine. As the Speaker indicated, Ed played an important part in the creation of these crippled children's hospitals. Now we have many burn centers. So you can see the Shrine does many great things for our young people. It is really a pleasure, Ed, that you are here to experience this memorial today because we just wanted to prove to you that the citizens of Nevada do love you and admire you. Thank you for being here.

ASSEMBLYMAN ERNAUT:

Thank you, Madam Speaker pro Tempore. I stand in support of S.C.R. 12, not only for Ed's outstanding career in public service but for my oldest playmate in my life, that is his granddaughter, Denise, who is about ready to make a fourth generation to this family. Ed has always been someone who has served his community well, as the rest of the other generations in his family have. I am very proud today to stand in support of S.C.R. 12. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. I also rise in support of this resolution. I have had the opportunity of dealing directly with Mr. Pine over several different issues relative to education. As a school teacher in Washoe County, I have always admired the board that he sat on and particularly Mr. Pine with his openness. Having worked in the buildings that he helped design for the last 22 years, I know that he is clearly a man who cares about the most valuable resources in our society, the children, and for that I support this resolution.

ASSEMBLYMAN DINI:

At this time I would like to introduce the people who have come with Ed, his wife, Mary Alice is over here and, of course, Ed, who is sitting next to me, and his granddaughter, Denise, on my right-hand side. Bill Norton is here. Bill Petty is back there. Ed Pine, Jr., and Jack Pine are sitting next to Mr. Marvel. Let's give them all a big hand for coming over.

ASSEMBLYMAN MARVEL:

For the education of these people, Ed Pine, Jr., was an all American center and linebacker at the University of Utah. I thought this would add a little background to the family.

ASSEMBLYMAN DINI:

With your indulgence, Madam Speaker pro Tempore, I would like to present this resolution to Ed and his family. Ed, on behalf of the members of the Assembly, it is my pleasure to do our half of the presentation to you for this memorable day. We hope you continue to do all the fine service you have done in the past especially with your brothers in Masonry.

Resolution adopted unanimously.

Assemblyman Sader moved that Assembly Bill No. 57 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 246 be re-referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Price, Giunchigliani, Evans, Wendell Williams, Chowning, Arberry, Haller, Petrak, Myrna Williams, Porter, Bache, Freeman, Regan, Bonaventura, Collins, Bennett, de Braga, Garner, Neighbors, McGaughey, Kenny, Toomin, Anderson, Smith and Segerblom:

Assembly Bill No. 343—An Act relating to employment; requiring good cause for termination of employment except under specified circumstances; providing for arbitration and limiting permissible awards in cases concerning the termination of employment; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 344—An Act making an appropriation to Nevada Special Olympics for administrative expenses; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 345—An Act relating to money; providing the manner of computing the amount of a judgment or award on a claim arising in foreign money; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 346—An Act relating to traffic laws; making confidential the written reports of accidents forwarded by police officers to the department of motor vehicles and public safety; providing certain exceptions; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 347—An Act relating to divorce; requiring an equal disposition of the community property of the parties in a proceeding for divorce under certain circumstances; providing exceptions; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 348—An Act relating to juvenile offenders; providing for the continued treatment as an adult of a child once certified for trial as such; establishing the discretion of a judge of the juvenile division whether to accept such a child on remand; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 349—An Act relating to securities; providing for various changes in regulation; extending the limitation for civil actions; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 350—An Act relating to liens; conforming certain provisions of the Uniform Federal Lien Registration Act fully to the most recent revision by the Uniform Law Commissioners; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 2; Assembly Joint Resolution No. 22.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Ed Pine, George Ball, Bill Petty, Roland Westergard, Mesdames Mary Alice Pine, Denise Norton, Mr. Mike Longero, Ms. Shannon Wines and the following students from Dayton High School, Dayton: Tammy Allen, Colleen Curran, Rodger Depute, Justin Elder, Sal Garcia, Trent Heald, Jennifer Holley, Sherry Kerley, Doug Koerner, Audrey Larsen, Nicole LeClaire, Mike Lemon, Guy Lillie, Deanna Marti, Jeff McCarty, Tony Mederios, Ed Miller, Abby Moorse,

Andi Overton, Lavinia Odoal, Randy Owings, Rich Perkins, Brant Pradere, Jeremiah Robertson, Winston Seymour, Mike Slipcevich, Jeremy Pogue, Bryan Gentry, Candy Smith, Mike Higgins, Chrissy Murray, Coell Thompson, Robert Wilkins, Jason Wyrick, Alison House, Dennis Abeling, Shellee Affonso, Corey Amador, Brett Asp, Kelli Beehler, Jason Brown, Bruce Castro, Margaret Cichosz, Renee Ferrie, Heather Gabriel, Sean Hansen, Dan Harmon, Candace Haymore, Jason Hoffman, Bobby Key, Leonard Lay, Nathan Lillo, Maggie Lowder, Bobby Morales, Teresa Patriquin, Jeannie Ragens, Chuck Rehdorf, Lloyd Rook, Matt Fullenwider and Ryan Service.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Jack Pine, Ed Pine, Jr. and Bill Norton.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Ben Graham, Sr. and Mrs. Marie Graham.

Assemblyman Porter moved that the Assembly adjourn until Monday, March 15, 1993 at 10:15 a.m.

Motion carried.

Assembly adjourned at 11:35 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FIFTY-SEVENTH DAY

CARSON CITY (Monday), March 15, 1993

Assembly called to order at 10:17 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Roy Parker.

Our Heavenly Father, our hearts rejoice and our lives are filled with the bounties of Your mercy and grace. We acknowledge the necessity of Your presence here in this Assembly Chamber this day and ask that Your wisdom be extended to each one present. Thank You, God, for every blessing. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which were referred Assembly Bill No. 202; Senate Joint Resolution No. 7 of the 66th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Concurrent Resolution No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MYRNA WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 26, 36, 143; Assembly Joint Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 254, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 24.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

Mr. Speaker appointed Assemblymen Garner and Gregory as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Harry Reid.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:22 a.m.

ASSEMBLY IN SESSION

At 10:27 a.m.

Mr. Speaker presiding.

Quorum present.

The President of the Senate, the President pro Tempore of the Senate and Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President and President pro Tempore of the Senate to the Speaker's rostrum.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 10:31 a.m.

The President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators O'Donnell and Townsend.

The Chief Clerk of the Assembly called the Assembly roll.

All present.

The President of the Senate appointed a Committee on Escort consisting of Senator Titus and Assemblyman Perkins to wait upon Senator Reid and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Harry Reid, United States Senator for Nevada appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

Mr. Speaker welcomed Senator Reid and invited him to deliver his message.

United States Senator Harry Reid delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA

SIXTY-SEVENTH SESSION, 1993

Madam President, Mr. Speaker, members of the Nevada Legislature, distinguished guests, fellow Nevadans.

It's really good to be home.

Robert Frost said, "Home is the place where when you have to go there, they have to take you in." For me home is something more; it's a place where when you go there with something on your mind, they not only take you in, they also take the time to stop and listen and think.

I've come here today with much on my mind and I want to share it with you today.

Recently, I met with President Clinton. He said something with which I think we all agree. He said, "Even those people who voted against me want me to succeed."

I've been in government a long time and I think there's a mood of solemn determination, the likes of which this nation hasn't seen since the Second World War. It's time to stop playing games, it's time to stop playing politics, it's time to start thinking of America, to look to her future, and to invest in her future.

If our constituents, the voters, are convinced that an honest effort is being made to put our nation on a sound financial basis, the American people are ready to give and to give up a great deal. They're willing to stand behind the President, indeed, to give more than he's asked.

But there has to be quid pro quo. The people are willing to give but in return they want a guarantee that real cuts are being made, that the federal government is really reducing spending. The people will sacrifice a great deal for the sake of future generations, but they want honest open budget reduction in return.

You see, the people will be heard. Ultimately, the people will prevail.

The good news is that the mortgage on our children's future is going to be reduced. Money will be freed for investment, decisions will be made by the market rather than by the government.

The bad news, things are going to be tight. For those in the states and cities who have gotten used to federal money, the pot's shrinking and more are competing for what's left.

Today, I want to talk to you about working together as Nevadans, not as Republicans, not as Democrats, not as liberals or conservatives, not as lobbyists or special interests, but only as Nevadans.

We must present a united front because you see, my friends, we'll be competing with 49 other states that are getting smart very, very fast. As Benjamin Franklin said to the other signers of the Declaration of Independence, "We're in it now and we must all hang together, for if we don't, we most assuredly will all hang separately."

In my 11 years in Congress I have always pointed with pride to the bipartisan approach of Nevada's congressional delegation. During that time, I went from being our state's sole Democrat in Washington to being now the senior Senator in a delegation in which Barbara Vucanovich now is the only Republican. Throughout that time one thing has remained constant. We have always worked together in Nevada's interest, and every member of the delegation has been involved.

This same bipartisan approach must govern our state's relationship with Washington. Today I'd like to discuss some problems which loom on the horizon; challenges we can meet successfully only if we resolve our internal differences so they can be answered with one voice, Nevada's voice.

The world is changing rapidly both in the balance of power and the balance of knowledge. These changes directly affect the welfare of the people of the State of Nevada.

The sudden collapse of the Soviet Union has convinced a majority of the Congress that nuclear testing is unnecessary. I disagree with that position, but it is a reality. We cannot ignore the very real probability that one day the Nevada Test Site will be closed to nuclear testing and that is a billion dollar impact on the economy of the State of Nevada.

For the past few years, I have been intensely exploring alternative uses for the site.

Along with Senator Bryan and Governor Miller, we recently attended a national conference in Los Angeles on the development of hydrogen as a fuel. We're trying to make the nation more aware of the potential of the Test Site as a place where solar and hydrogen energy can be developed. Next week, as part of that effort, I will be chairing hearings. These hearings will focus on the potential for developing solar-hydrogen energy at the Nevada Test Site. Fossil fuels you see are destroying our environment and our economy.

Our delegation is hopeful that Nevada, which receives more sunlight than any other state, can be at the leading edge of the new energy technologies proposed by this new administration.

The site is ideal as a research lab on hydrogen fuels, and as you know, it is already the location of a fuel spill facility. This year I will seek to place that facility under EPA jurisdiction. I believe that change in jurisdiction will help promote use of the Test Site as an environmental research laboratory. We must work to have the Test Site be part of the new military configuration. This could mean 10,000 jobs for the Nevada Test Site. We're qualified. I believe we deserve it.

These things are things that we can do. These are things the congressional delegation can do. But they're not enough and will not succeed unless we work together. And when I say we, I mean everyone in this chamber, indeed, everyone in this state. We must speak with one voice or we will not be heard.

Washington is a very long distance from here and we are a very small state. There are many other voices crying for the same piece of the pie. We must care enough about our state to work together; we must care enough to NOT care about who gets the credit.

In the Middle East they have a saying, "The enemy of my enemy is my friend." Let me turn that on its head. Our motto should be, "Any friend of Nevada's is a friend of mine," whether there's a D or an R after their name. We must all work together. Anything less will mean failure.

Let me direct your attention to the State of Idaho. When Idaho Falls National Engineering Lab was proposed as a site for a nuclear rocket program, the federal agencies charged with locating the program were flooded with contacts by Idaho legislators, mayors, chambers of commerce, as well as the governor and the congressional delegation from Idaho. The Air Force listened because the State of Idaho spoke with one voice. We must do the same.

This body and its leadership must work with us and with the governor to help diversify the Nevada Test Site. This is not a partisan issue. It is not a regional issue. It is a major economic question which has direct impact on the tax base of the entire state. We must work together or we will surely fail.

Another major economic question we must face together is the proliferation of gaming in America.

Make no mistake. I am not just talking about Indian gaming. We must stand in the forefront of the most stringent regulation of gaming and gamers both on and off the reservations.

This state has fought a long and often fierce war against corrupt and unsavory elements which flock to infiltrate any gaming industry. We have to run those people out of Nevada, and we work constantly to keep them out. It is a never-ending struggle.

There are some people now all over the country, there are always some, who think legalized gambling is the answer to their economic woes. They are being sold a bill of goods if they think for a moment they can enjoy the benefits without bearing the responsibilities that go with controlling any gaming industry.

Recent reports by the Department of the Interior show, for example, that millions of dollars have already been stolen from Indian gaming operations by unscrupulous operators. I am convinced that the information we now have is only the tip of the iceberg.

Senator Richard Bryan and I have been working in the Senate to build support for refinement of the Indian Gaming Act to preclude wholesale gaming in states that don't want it. I was largely responsible for the Act, and let me tell you now, it was not intended to give the tribes any more right to avoid law and regulations than any other citizen of any of the 50 states.

I believe tribes should have the same rights as non-Indian gaming operators, and, of course, they get a tremendous tax advantage under the terms of the Act. What they do not have a right to is to force gaming down the throat of a state like Arizona that doesn't want it simply because the state allows a lottery or horse racing. That was not the intent of the Act.

There have been and will continue to be strong efforts to check this proliferation, but we must face reality. As elected Nevada officials it is our job to act in the best interests of this

state, and those interests are no longer necessarily the same as those of all our gaming businesses. We must act accordingly to protect Nevada and the integrity of its chief industry, whether big corporations which push the spread of gaming like it or not.

None of us should ever forget that the greatest leisure-time location in the world, the world has ever known, is the State of Nevada. The ten largest hotels in the world are in Nevada. Year after year record numbers of tourists come from the world over to Nevada—not only to enjoy the bright lights of Las Vegas and Reno, but also to enjoy our national treasures like Lake Tahoe, Lake Mead, the Great Basin National Park, and the many burgeoning resorts like Wendover and Laughlin.

Our future, though, must look beyond gaming. This state is part of a tiny minority, only one of six states, without a science advisor to the governor, and I applaud Governor Miller's decision to create an Office of Science and Technology. I urge the Governor to place this most important position in the Office of Economic Development so Nevada can be best positioned to benefit from the estimated $750 million increase in technology funding we're going to see coming to the states from the Department of Commerce. We have to be smart and we have to act smart. The name of the game is competition, and we're in the race with every other state.

One area where this body could get so much for so very little is in funding the upgrade and operations of the $20 million supercomputer that I obtained for the University of Nevada at Las Vegas.

Frankly, that was one of my proudest accomplishments, and it has been instrumental in attracting some of the brightest scholars in America to the State of Nevada. Don't think that every university has a supercomputer; very, very few do. It is an incredibly valuable resource, and I urge you to invest in its upkeep. Nevada will reap so much from a small investment. The federal government has more than done its share.

Another valuable program is EPSCOR, the Experimental Program To Stimulate Competitive Research, now headed by our First Lady, Sandy Miller. EPSCOR seeks to bring Nevada along with the rest of the bottom third of the states into parity in competing for federal research grants. Under the program the federal government provides research funding and our University System provides the expertise. All you have to do is appropriate modest matching funds.

Keep in mind when you vote on that issue that it is estimated that for every dollar you invest, $60 circulates throughout the economy of Nevada.

I am working this year to secure additional funding—we secured funding last year, this will be the second year—for the Great Basin Biodiversity Initiative at UNR. That program links UNR with Stanford University to provide regional environmental expertise on the Great Basin which covers parts of seven states. This program is designed to avert in the future the kinds of problems we now have from the desert tortoise and goshawk. It will be assisted by a statewide advisory panel composed of academics, state and federal officials, environmentalists, mining and ranching communities so directly impacted by these environmental issues. The idea is to marry economic growth to preservation of natural resources. It is a marriage which can bear fruit for many generations to come, not only in Nevada but all over this country. Some identify, some scientists identify this program as the top scientific study in America today on the environment.

As I said earlier today, we must look to the future in all we do, and as I've also said, we must work and act smart, and as I have continually said today, we can only do that if we work together. I sit on the appropriations committee, and I have to tell you that funding for even the most urgent projects is going to be extremely difficult this year. The bottom line for Nevada is simple. Our state can no longer make requests for federal assistance or aid in a haphazard fashion and expect results. We must coordinate our efforts. Accordingly, I have asked the various entities including the University System, the Desert Research Institute—one of the world's premier scientific institutions—the Biodiversity Initiative, and UNLV's Environmental Research Center to create a coordinated plan of action prior to presenting federal funding requests. They've expressed a willingness to work together along these lines. This is a good thing, for as I began by saying, we must all hang together or we will most certainly hang separately. This is certainly the truth.

I cannot leave here today without discussing water. I'm proud of our successful efforts to resolve the Truckee-Carson water problem. We are now in the process of putting the finishing touches on the operating agreement to put the settlement into operation. I had a long and productive meeting earlier today with Pete Morros who is the expert, as you know, in these areas. It was a positive and constructive meeting. Remember, this Truckee-Carson River project that has been completed involves the Carson River, the Truckee River, Pyramid Lake, Tahoe Basin, Lahontan, the wetlands and much more. I cannot urge this body strongly enough to take no legislative action which could undermine the settlement. We will work with you to address realistic concerns about state water law, and I know we can reach agreement. This issue is too vital to our state's future to be approached in anything other than a most rational and comprehensive fashion. We are a small state. We speak with one voice or we simply won't be heard.

As a federal legislator, I can no more abdicate my responsibilities to create rational interstate water policy than I can ignore my general duties about the State of Nevada. It is that responsibility which mandates that I tell you today what the Bible has told us for centuries, "A house divided against itself cannot stand." We must do a better job communicating among ourselves and with other states along the Colorado River system. We must stop this internal squabble about water. We must cease useless competition between the Colorado River Commission and the Southern Nevada Water Authority. To do otherwise is directly contrary to the interest of the people of the State of Nevada.

If no other resolution is reached, it may be necessary for this body, the Nevada State Legislature, to resolve those issues. You may have to change this system which perpetuates controversy. If no more palatable solution arises, you must bite the bullet because we cannot afford to incur the ire of other western states in our search for water. And we certainly cannot afford to anger them by offering solutions which other states view as a violation of the law of the river. To do so is not only unfair, it is foolish for it invites the wrath of the very people with whom we must work to resolve our common problems.

I salute this body, the Nevada State Legislature, the Assembly and the Senate, for recognizing that tomorrow you will unitedly conquer with courage the serious issues affecting our state. You face a daunting task, but I know you will succeed.

Let me close with Ralph Waldo Emerson. He said, "Don't say things. What you are stands over you the while, and thunders so that I cannot hear what you say to the contrary." What we say will soon be forgotten, but how we deal with the problems facing Nevada will directly impact our progeny. Let us govern ourselves today so that our actions, and not our meager words, will thunder across the years to future generations of Nevadans. Thank you, very much.

Senator Raggio moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Reid for his timely, able and constructive message.

Motion carried.

The Committee on Escort escorted the Senator to the bar of the Assembly.

Assemblyman Collins moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 10:58 a.m.

ASSEMBLY IN SESSION

At 11:26 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Wendell Williams, Arberry, Porter, Heller, Augustine, Spitler, Price, Collins, de Braga, Regan, Perkins, Petrak, Hettrick, Schneider, Myrna Williams, Gibbons, Chowning, Toomin, Evans, Smith and Freeman:

Assembly Concurrent Resolution No. 26—Directing the State Welfare Board to extend to the maximum period provided by federal law the time that families are eligible to receive aid under the Aid to Families with Dependent Children-Unemployed Parent Program.

Assemblyman Wendell Williams moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 101.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 43.

Amend section 1, page 1, line 2, after "waive" by inserting "*or reduce*".

Amend section 1, page 1, line 4, after the period by inserting: "*The department shall, upon the request of any person, disclose the:*

(a) Name of the person whose interest or penalty was waived or reduced; and

(b) Amount so waived or the amount of the reduction.".

Amend the bill as a whole adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"An Act relating to taxation; authorizing the department of taxation to reduce or waive the payment of interest owed for the nonpayment of certain taxes; authorizing the department to reduce the amount of a penalty it imposed for the nonpayment of certain taxes; and providing other matters properly relating thereto.".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 136.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 100.

Amend sec. 13, page 7, line 3, by deleting: "on July 1, 1993." and inserting: "upon passage and approval.".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 137.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 101.

Amend sec. 2, page 2, by deleting lines 37 through 47 and inserting:

"Sec. 2. (Deleted by amendment.)".

Amend sec. 4, pages 3 and 4, by deleting lines 26 through 47 on page 3 and lines 1 through 45 on page 4, and inserting:

"Sec. 4. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 8.5, following sec. 8, to read as follows:

"Sec. 8.5. NRS 361.357 is hereby amended to read as follows:

361.357 1. The owner of any property who believes that the full cash value of his property is less than the taxable value computed for the property in the current assessment year, may, [before] *not later than* January 15 of the fiscal year in which the assessment was made, appeal to the county board of equalization. If the county board of equalization finds that the full cash value of the property is less than the taxable value computed for the property, the board shall correct the land value or fix a percentage of obsolescence to be deducted each year from the otherwise computed taxable value of the improvements, or both, to make the taxable value of the property correspond as closely as possible to its full cash value.

2. No appeal under this section may result in an increase in the taxable value of the property.".

Amend sec. 18, page 12, by deleting lines 17 through 36, and inserting:

"Sec. 18. (Deleted by amendment.)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 173.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 242.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 83.

Amend the bill as a whole by renumbering sections 5 through 9 as sections 6 through 10 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. NRS 625.390 is hereby amended to read as follows:

625.390 1. An applicant for registration as a professional engineer or land surveyor or for certification as an engineer-in-training or land surveyor-in-training must:

(a) Complete a form furnished and prescribed by the board;

(b) Answer all questions on the form under oath; and

(c) Provide a detailed summary of his technical training and education.

2. Unless the requirement is waived by the board, an applicant for registration must provide the names of not less than four references who have knowledge of the background, character and technical competence of the applicant. None of the persons named as references may be members of the board. If the applicant is:

(a) Applying for registration as a land surveyor-in-training, at least three of the persons named as references must be professional land surveyors registered in this or any other state.

(b) Applying for registration as a professional engineer, the persons named as references must be professional engineers registered in this or any other state, three of whom must be registered in the same discipline of engineering for which the applicant is applying for registration.

(c) Applying for registration as a land surveyor, the persons named as references must be professional land surveyors registered in this or any other state.

3. The board shall, by regulation, establish the application fee for professional engineers and professional land surveyors in an amount not more than $200. The fee is nonrefundable and must accompany the application.

4. The board shall charge and collect from each applicant for certification as an engineer-in-training or a land surveyor-in-training a fee fixed by the board of not more than $100, which includes the cost of examination and the issuance of a certificate. The certificate as an engineer-in-training [is valid for 8 years, and the certificate] *or* as a land surveyor-in-training is valid for [6] *8* years. At the end of the [respective periods] *stated period* the certificates expire but may be renewed as in the case of any original applicant.

5. A nonresident applying for registration as a professional engineer or land surveyor is subject to the same fees as a resident.

6. An applicant must furnish proof that he is a citizen of the United States or that he is lawfully entitled to remain and work in the United States.

7. The board shall require the biennial renewal of each certificate of registration of a professional engineer or professional land surveyor and collect a renewal fee of not more than $100, prescribed by regulation of the board, except that the board may prescribe shorter periods and prorated fees in setting up a system of staggered renewals.

8. In addition to the fee for renewal, the board shall require a holder of an expired certificate of registration to pay, as a condition of renewal, a penalty in an amount established by regulation of the board.".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Giunchigliani, Evans, Kenny, Anderson, Myrna Williams, Scherer, Chowning, Tiffany, Bache, Haller, McGaughey, Segerblom, Hettrick, Wendell Williams, Augustine, Bonaventura, Heller, Neighbors, Petrak, Arberry, Garner, Lambert, Carpenter, Gibbons, Regan, Bennett, Gregory, Ernaut, Collins, Spitler, Porter, de Braga, Price, Perkins, Marvel, Sader, Freeman, Schneider, Smith, Humke and Dini:

Assembly Concurrent Resolution No. 27—Commending the Nevada Parent-Teacher Association.

WHEREAS, The education of the youth of Nevada and our nation is a primary concern of the citizens of Nevada and the United States; and

WHEREAS, In an effort to improve education by involving parents in the process, the first parent-teacher association was organized in Nevada in 1941; and

WHEREAS, The Nevada Parent-Teacher Association has a current membership of over 30,000; and

WHEREAS, This year 250 delegates from the Nevada Parent-Teacher Association will be participating in a state convention to be held March 26th through March 29th in Reno; and

WHEREAS, This convention will include several seminars relating to education plus a visit to the Legislature on March 29; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 67th session of the Nevada Legislature hereby commends the members of the Nevada Parent-Teacher Association upon their outstanding contributions to education in the State of Nevada; and be it further

RESOLVED, That the members of the Nevada Legislature welcome this opportunity to speak with Nevada's delegates during their visit to the Legislature; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Lyn Bennett, President of the Nevada Parent-Teacher Association.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblyman Giunchigliani.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 351—An Act relating to unemployment compensation; removing the disqualification for benefits of certain educational employees for specified periods of unemployment; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 71.

Bill read third time.

Remarks by Assemblyman Smith.

Roll call on Assembly Bill No. 71:

YEAS—42.

NAYS—None.

Assembly Bill No. 71 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 91.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Assembly Bill No. 91:

YEAS—42.

NAYS—None.

Assembly Bill No. 91 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 169.

Bill read third time.

Remarks by Assemblyman Augustine.

Roll call on Assembly Bill No. 169:

YEAS—42.

NAYS—None.

Assembly Bill No. 169 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 205.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 205:

YEAS—42.

NAYS—None.

Assembly Bill No. 205 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bennett moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate broadcasting facilities: David Gordon, Rex Gunderson, KUNR-FM.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Joint Resolutions Nos. 5, 10; Assembly Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Ed Murkovich, Todd Hess, Dan Piel and the following students from Virginia City High School, Virginia City: Ron Adkins, Geoff Board, Joe English, Shawn Huxhold, Trish Keesea, Ryan Knoch, Chris Lawyer, Raena Martin, John McKee, Jim Miller, Jeff Nevin, Chris Simms, Heidi Spicer, Lisa Varga, Catherine Walling, Andy Crowell, Sara Morrison and Clara Smith.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Steve Krohne.

On request of Assemblyman McGaughey, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Stan Jones.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sheila Bethal, Messrs. Tom Koscik, Joel Cofer, Mitch Domagali and the following students from Tonopah Middle School, Tonopah: Sarah Galli, Kevin Sherman, Jennifer Harvey, Joey Mokltarami, Alicia Bethal, Ingrid Kopt, Katie Koscik, Shari Davis, Garry Woods, Summer King, Chad Pellock, Josh Whyzeman, David Gibson, Ryan Perchetti, Chris Grider, Sam Jeffrey, Ryan Jackson, Gerud Pope, Ricky Valentine, Shannon Lusk, Michelle Weinzerl, Grant Young, Marko Castillo, Heather Zimmerman, Ryan Thompson, Kelli Wilson, Liz Gorder, Eric Rorll, Vanessa Baldwin, Erick McCormick, Susie Yates, Jimmy Enbrey, Chuck Coleb, Rochelle Lister, Elizabeth Peirce, Kertis Elliott, Tony Workman, T. T. Malveax, Mike Brown, Adam Skies, Lisa Martinez, E. J. Cadamagni, Nicole Moran, Donald Allen, Jessica Nelson, Barron Granke, Ginger Rhines, Jeremy Bunker, Jeff Galli, Sean Bloomfield, Tami Allan, Lisa Melton and Mike Lyon.

On request of Assemblyman Regan, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Richard Plaster.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Eric Horn.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Thelma Clark and Mr. Robert Lewis.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Randall Schaefer and Ms. Terri Barber.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, March 16, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 11:51 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FIFTY-EIGHTH DAY

CARSON CITY (Tuesday), March 16, 1993

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Roy Parker.

Our Father, You are the potter and we are the clay. Make us to be the vessel that You have designed us to be and to accomplish Your purpose as You give us air to breathe. Let Your peace rest upon these, our faithful servants and leaders, this day, in the name of our soon coming Messiah. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 209, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:09 a.m.

ASSEMBLY IN SESSION

At 11:13 a.m.

Mr. Speaker presiding.

Quorum present.

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 156, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Bill No. 145, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Elections and Procedures.

MYRNA WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 154, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 15, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 13, 34, 35, 183.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 64, 82, 161, 172, 223.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Commerce:

Assembly Concurrent Resolution No. 28—Urging the Department of Data Processing and the Division of Archives and Records of the State Library and Archives to take certain actions regarding the retention, care and preservation of public records stored on electronic media.

Assemblyman Porter moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Commerce:

Assembly Concurrent Resolution No. 29—Directing the Legislative Commission to conduct an interim study of the exemptions to the laws governing public records and books to determine if any exemptions should be repealed, amended or added.

Assemblyman Porter moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 352—An Act relating to impact fees; authorizing unincorporated towns to impose impact fees; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 353—An Act relating to the subdivision of land; establishing the date for valuation of certain land purchased within a subdivided area by a school district; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 354—An Act relating to municipalities; clarifying that a municipality may by condemnation acquire property for a project within or without the municipality; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 355—An Act relating to state employment; revising the statutory provisions governing the testing of state employees and applicants for certain positions of state employment for the presence of alcohol and other drugs; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Haller, Humke, Scherer, Chowning, Gibbons, Kenny, Giunchigliani, Schneider, Ernaut, Carpenter, Segerblom, Petrak, Heller, Hettrick, Perkins, Regan, Bonaventura, de Braga and Anderson:

Assembly Bill No. 356—An Act relating to employers; requiring the development of a single form for certain payments and reports required of businesses and other employers; making uniform the required times of payment of business taxes, contributions for unemployment compensation and certain premiums and reports for industrial insurance; and providing other matters properly relating thereto.

Assemblyman Haller moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Augustine, Marvel, Dini, Porter, Bennett, Anderson, Scherer, Chowning, Tiffany, Haller, McGaughey, Lambert, Gregory, Garner, Petrak, Hettrick, Neighbors, Segerblom, Evans, Sader, Arberry, Spitler, Price, Collins, de Braga, Bonaventura, Regan, Heller, Perkins, Schneider, Carpenter, Toomin, Humke, Gibbons, Kenny, Giunchigliani, Ernaut, Myrna Williams and Smith:

Assembly Bill No. 357—An Act relating to public libraries; directing the state librarian to establish a pilot project to provide grants to certain public libraries for the purchase of books and library materials; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Augustine moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By Assemblymen Arberry, Spitler, Wendell Williams, Toomin, Sader, Freeman, Bache, Garner, Porter, Gibbons, Kenny, Smith, Perkins, Hettrick, Segerblom, Gregory, Tiffany, Ernaut, Giunchigliani, Collins, Price, Haller, Anderson, Scherer, McGaughey, Lambert, Myrna Williams, Evans, Schneider, Augustine, Bonaventura, Petrak, Bennett and Dini:

Assembly Bill No. 358—An Act relating to credit; regulating the reporting of information concerning borrowers and potential borrowers; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Bache, Dini, Chowning, Haller, Neighbors, McGaughey, Carpenter, Price, Spitler, Evans, Petrak, Collins, Bennett, Gibbons, Hettrick, Bonaventura, Segerblom, Lambert, Regan, Anderson, Smith, Garner, Toomin, Kenny, Marvel, Humke, Heller, Scherer, Arberry, Freeman, Myrna Williams, Giunchigliani, Schneider, Gregory, Wendell Williams, Porter, Perkins and de Braga:

Assembly Bill No. 359—An Act relating to the program of deferred compensation for public employees; making various changes regarding the committee established to administer the program; limiting the authority to make withdrawals from the program; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 360—An Act relating to traffic laws; requiring that a person serve a 1-year term of imprisonment as a condition of the suspension of his sentence for causing death or substantial bodily harm while driving under the influence of intoxicating liquor or a controlled substance; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 361—An Act relating to marriage; authorizing under certain circumstances a municipal judge to perform limited number of marriages in this state and a justice of the peace to perform a limited number of marriages in a commissioner township; prohibiting a justice of the peace or a municipal judge from accepting any fee or anything of value for performing such marriages; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 362—An Act relating to notarial acts; providing for their performance in this state, their recognition if performed outside this state, and the sufficiency of their language; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 363—An Act relating to evidence; allowing the admission into evidence of the affidavit of certain laboratory directors to prove the results of tests conducted at a medical laboratory; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 364—An Act relating to public records; categorizing certain records as public; limiting the disclosure of certain public records; removing the criminal penalty for the failure of a public officer or employee to disclose certain public records; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 365—An Act relating to public information; substituting civil enforcement of access to public books and records for a criminal penalty for denial of access; conferring immunity upon public officers and employees for certain actions in good faith; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 366—An Act relating to public records; establishing procedures for the public to inspect public records; clarifying that certain officers of the state are immune from certain related civil actions; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 367—An Act relating to public records; defining "public record" to accommodate the various forms in which records are maintained; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 368—An Act relating to public information; providing that charges made for copies must approximate the cost of copying; authorizing public agencies to conduct searches of records by individual request for a fee; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Garner and Wendell Williams:

Assembly Bill No. 369—An Act making an appropriation to the department of education for literacy instruction in adult education; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 64.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 82.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 161.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 172.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 223.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved that Assembly Bill No. 145 be placed on the Second Reading File.

Remarks by Assemblyman Myrna Williams.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 57 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 6.

The following Senate amendment was read:

Amendment No. 53.

Amend section 1, page 1, line 14, after "*is*" by inserting: "*installed and has its vehicular signals uncovered, but is*".

Amend the title of the bill to read as follows:

"An Act relating to traffic laws; establishing the right of way of vehicles at intersections where certain traffic control signals are inoperative; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting: "intersection where traffic-control signal is" and inserting: "intersections where certain traffic-control signals are".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 6.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:34 a.m.

ASSEMBLY IN SESSION

At 12:14 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Anderson, Arberry, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Ernaut, Evans, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Haller, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Price, Regan, Sader, Scherer, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin, Myrna Williams and Wendell Williams:

Assembly Concurrent Resolution No. 30—Designating March 19 and 20, 1993, as Nevada 4-H State Capital Days.

WHEREAS, 4-H is one of the largest national and international out-of-school educational programs in the world with 5,000,000 members in the United States and over 40,000 members in the State of Nevada; and

WHEREAS, In the late 19th century, in an effort to reach rural areas with the latest scientific information from agricultural colleges, many states formed organizations called "Farmers' Institutes" and "boys and girls clubs"; and

WHEREAS, In 1914 the Smith-Lever Act established the Cooperative Extension Service and provided the financial support that would be needed for a successful 4-H future; and

WHEREAS, The Board of Regents of the University of Nevada System was authorized to participate in the Cooperative Extension Service by the Nevada Legislature in 1915; and

WHEREAS, Since that time thousands of Nevada's youth between the ages of 9 and 19 have become leaders in communities throughout this state; and

WHEREAS, The present 4-H symbol which was designed 80 years ago is comprised of a green four-leaf clover with a white H on each leaf that stands for Head, Heart, Hands and Health representing the equal training of the head, heart, hands and health of every child; and

WHEREAS, Members participating in 4-H clubs continue to adhere to the 4-H motto "To Make the Best Better," through their participation in community projects and leadership programs; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That March 19 and 20, 1993, are hereby designated as Nevada 4-H State Capital Days; and be it further

RESOLVED, That the 4-H clubs of Nevada and those members who are present today are to be heartily commended for their interest in our government and the legislative process; and be it further

RESOLVED, That copies of this resolution be prepared and transmitted forthwith by the Chief Clerk of the Assembly to the Nevada Cooperative Extension Service of the University of Nevada System.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblyman Porter.

Resolution adopted unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 18.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 69.

Amend sec. 6, page 2, line 9, by deleting "*The*" and inserting: "*Except as otherwise provided in subsection 6, the*".

Amend sec. 6, page 2, between lines 26 and 27, by inserting:

"*6. Unless provided otherwise by the board of regents in a regulation adopted pursuant to NRS 284.345, the account may not be used by an employee of the University of Nevada System unless he is in the classified service of the state.*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Assemblyman Garner moved that Assembly Bill No. 18 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 26.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 21.

Amend sec. 2, page 1, line 13, by deleting "*$5*" and inserting "*$2*".

Amend sec. 2, page 1, line 14, by deleting "*2*" and inserting "*1*".

Amend sec. 2, page 1, line 15, by deleting "*2*" and inserting "*1*".

Amend sec. 2, page 1, by deleting line 16 and inserting:

"For a certified copy [, each page..... .50] *1*".

Amend sec. 2, page 1, line 17, by deleting "*5*" and inserting "*2*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 36.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 39.

Amend section 1, page 1, line 6, after "referred to as the" by inserting "*original*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 143.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 42.

Amend section 1, page 1, by deleting lines 10 through 12 and inserting: "provided in NRS 474.010 to 474.450, inclusive, by each election precinct; but when requested in the petition, three directors shall be elected] at large by".

Amend sec. 4, page 2, by deleting lines 22 through 24 and inserting: "office of 2 years and the other as having an initial term of 4 years. The board of county commissioners shall, if practicable, establish the".

Amend the title of the bill, second line, after "districts;" by inserting: "requiring the directors to reside in election precincts and be elected at large;".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 202.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 254.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 3.

Resolution read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 70.

Amend the preamble of the resolution, page 2, between lines 2 and 3, by inserting:

"WHEREAS, Lake Tahoe and its natural environment are the Lake Tahoe Basin's greatest economic assets, and regional cooperation is essential to achieving economic improvement and environmental restoration; and".

Amend the resolution, page 2, line 23, by deleting: "take such measures as" and inserting: "consider such measures as are".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Joint Resolution No. 7 of the 66th Session.

Resolution read second time and ordered to third reading.

Assembly Bill No. 145.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 37.

Amend the bill as a whole by deleting sections 1 through 5 and adding new sections designated sections 1 through 5, to read as follows:

"Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. If a court of competent jurisdiction orders a county to extend the deadline for voting beyond the statutory deadline in a particular election, the county clerk shall, as soon as practicable after he receives notice of the court's decision:*

(a) Cause notice of the extended deadline to be published in a newspaper of general circulation in the county; and

(b) Transmit a notice of the extended deadline to each registered voter who requested an absent voter's ballot for the election and has not returned the ballot before the date on which the notice will be transmitted.

2. The notice required pursuant to paragraph (a) of subsection 1 must be published:

(a) In a county whose population is 25,000 or more, on at least 3 successive days.

(b) In a county whose population is less than 25,000, at least twice in successive issues of the newspaper.

Sec. 3. *1. A ballot prepared for use in an election in this state must be dated and marked in such a manner as to indicate clearly at which election the ballot will be used. If a ballot includes a detachable stub, both the ballot and the stub must include the date of the election.*

2. The secretary of state shall:

(a) Prescribe the color of ballots for each statewide election not later than February 1 of the year in which the election is to be held; and

(b) Alternate the color of ballots each year in such a manner as to ensure that no color is used for ballots more than once during any 3-year period.

Sec. 4. NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as *otherwise* provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this Title, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the precinct or district, as shown on the checklist and roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed.

3. Upon opening the polls one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during the time the polls are open, except [to examine a pollbook pursuant to NRS 293.301 or] by authority of the election board as necessary to keep order and carry out the provisions of this Title.

Sec. 5. NRS 293.301 is hereby amended to read as follows:

293.301 1. The county clerk of each county shall [allow not more than one representative from each political party for each precinct at a polling place to examine the pollbook four times during an election to determine the registered voters in that precinct who have not voted in the election. The examination of the pollbook must not interfere with the conduct of the election.

2. Each person who is authorized by a political party to examine the pollbooks shall provide proof of identity and a written statement from the county central committee which authorizes him to represent that political party at the polling place.] *require an election board officer or officers to post, four times during an election in a public area of each polling place in the county, a list of the signatures of all registered voters who have voted since the last such list was posted. To create this list, the election board*

officers shall require each voter to sign a form specifically designed for this purpose before he votes. An election board officer shall remove the four posted lists after the polls have closed.

2. The form for each such list must contain a notice which reads substantially as follows:

It is unlawful for any person to remove, tear, mark or otherwise deface this list of registered voters except an election board officer acting pursuant to subsection 1 of NRS 293.301.

3. Any person who removes, tears, marks or otherwise defaces a list posted pursuant to this section with the intent to prevent others from readily ascertaining the fact that a particular voter has or has not voted, is guilty of a misdemeanor.".

Amend sec. 7, page 4, by deleting lines 30 through 32 and inserting: "*mined salary,* to be paid by claim against the county after [such] *the* claim has been approved by the county clerk. *In no case may the deputy registrar be compensated, including any bonus or other form of incentive, on the basis of the number of*".

Amend sec. 8, page 4, by deleting lines 36 through 38 and inserting: "state, or from one precinct to another within the same county, [after the close of registration for] *within 90 days before* any election shall be deemed to retain his residence in the county or precinct removed from for the purposes of".

Amend sec. 10, page 6, by deleting lines 15 through 18 and inserting:

"*5. The county clerk shall ensure that the form used for an affidavit of registration or an application for registration is such that a duplicate copy is created when the form is completed by the affiant or applicant. The duplicate copy must be marked as the receipt to be retained by the affiant or applicant upon his completion of the form.*".

Amend sec. 11, page 7, by deleting lines 1 through 3 and inserting:

"4. The county clerk shall, upon receipt of an application, determine".

Amend sec. 11, page 7, by deleting lines 41 through 47 and inserting:

"*(a) Verify the accuracy of the address to which the notice was mailed by attempting to contact the person by telephone and, if necessary, by comparing the address to the address listed for the applicant in the records of at least one public utility and one governmental entity, such as the department of motor vehicles and public safety; and*

(b) Cancel the registration of the person whose address appeared on the [postcard.] *notice if after diligent effort he determines that the address provided on the application is incorrect.*".

Amend sec. 12, page 8, by deleting lines 3 through 14 and inserting:

"Sec. 12. NRS 293.557 is hereby amended to read as follows:

293.557 1. The county clerk shall cause to be published [in counties having a population under 100,000 and may cause to be published in counties having a population of 100,000 or more,] once in each of the newspapers circulated in different parts of the county a list of all registered

voters, segregated by precincts or districts, within the circulation area of each newspaper, or cause to be published once in a newspaper circulated in the county a segregated listing for the entire county:

(a) At least 75 days before any primary election.

(b) After each primary election and not less than 2 weeks before the close of registration for the ensuing general election.

2. The county may not pay more than 10 cents per name for six-point or seven-point type or 15 cents per name for eight-point type or larger to each newspaper publishing the list.

3. The list of registered voters must not be printed in type smaller than six-point.".

Amend sec. 13, page 8, by deleting lines 16 through 25 and inserting:

"293.560 1. In [any county which uses a computer to register voters and keep records of the registration of the county's voters, registration must close at 9 p.m. of the third Saturday preceding any primary, general, recall or special election. In every other] *each* county, registration must close at 9 p.m. of the fifth Saturday preceding any primary or general election and at 9 p.m. of the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary or general election, or primary or general city election, registration must close at 9 p.m. of the fifth Saturday preceding the day of the elections.".

Amend the title of the bill by deleting the third line and inserting: "information in pollbooks; requiring in all counties the publication of lists of registered voters; making".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Assemblyman Myrna Williams moved that Assembly Bill No. 145 be re-referred to the Committee on Elections and Procedures.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Elections and Procedures.

GENERAL FILE AND THIRD READING

Assembly Bill No. 87.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Assembly Bill No. 87:

YEAS—42.

NAYS—None.

Assembly Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 173.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 173:

YEAS—42.

NAYS—None.

Assembly Bill No. 173 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 57.

Bill read third time.

Remarks by Assemblymen Smith, Price, Sader, Porter, Carpenter and Myrna Williams.

Assemblymen Porter, Bennett and Wendell Williams moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 57.

Roll call on Assembly Bill No. 57:

YEAS—28.

NAYS—Arberry, Bache, Bonaventura, Collins, de Braga, Ernaut, Giunchigliani, McGaughey, Porter, Price, Spitler, Myrna Williams, Wendell Williams, Mr. Speaker—14.

Assembly Bill No. 57 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 12.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Richard Newton, Lou Micheo and the following students from Smith Valley High School, Smith: Kamie Allred, Joe Bozsik, Noelle Cota, Mercedes Cueva, Edward DeChambeau, Jennifer Garcia, Scott George, Christy Gleason, Hollie Gordon, Veronica Hernandez, Jaime Hustace, Megan Lowe, Jose Macias, Chris Manford, Mark Nuti, Jamie Sommer, Nicole Whaley, Chet Wright, Cathy Acciari, Kari Alderson, Justin Butler, Alex Contreras, Paige Davis, Scott Garms, Tammy Manfrod, Mike McAllister, Russell Nuti, Laura Rangel, Matt Rosaschi, Hank Terrell, April VanArsdale, Yilin Wang and Wes Wright.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jim Grogan.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sherri Helvie and Mr. Allan Hanssen.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Patty Fore and Mr. Jonathan Fore.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Natalie Chenoweth and Joanne Molen.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Suzanne Denton-Pratt.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, March 17, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:47 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FIFTY-NINTH DAY

CARSON CITY (Wednesday), March 17, 1993

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Roy Parker.

Lord, we have studied and learned many things in life. You have extended to us the ability to get knowledge and the wisdom to know how to use what we have learned. Grant this to continue in this session and cause each of our assemblymen and women to realize Your presence just now. In the name of our Lord we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 303, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 16, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 44, 86, 146.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 21 of the 66th Session.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 24, 27.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 73, 77, 80.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 48.

MARY JO MONGELLI
Assistant Secretary of the Senate

Assemblyman Anderson moved that the Assembly recess subject to the call of the Chair for the purpose of hearing an Irish ballad sung by Assemblyman Stephanie Smith.

Motion carried.

Assembly in recess at 11:14 a.m.

ASSEMBLY IN SESSION

At 11:41 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Transportation:

Assembly Joint Resolution No. 24—Urging Congress to allow each state to determine whether to impose sanctions upon the driving privilege of a drug offender.

Assemblyman Spitler moved that all rules be suspended, reading so far had considered first reading, rules further suspended, resolution considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Spitler.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 370—An Act relating to education; revising the prohibitions against disturbing the peace of a public school and against threatening or assaulting pupils and teachers; expanding the prohibition against threatening or assaulting pupils and teachers to include other school employees; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Evans (by request):

Assembly Bill No. 371—An Act making an appropriation for the establishment and operation of a pilot program which would allow foster grandparents to assist counselors in the Washoe County school district and the Clark County school district; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Evans, Dini, Humke, Spitler, Chowning, Giunchigliani, Haller, Bache, Anderson, Scherer, Petrak, Toomin and Garner:

Assembly Bill No. 372—An Act relating to assistance to victims of sexual assault; expanding the eligibility for such assistance to include certain abused children and certain parents, legal guardians or relatives living with such children; providing that an application for medical or psychological treatment may be made within a certain time after the offense is reported to an appropriate law enforcement agency; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 373—An Act relating to state welfare; requiring the state welfare administrator to establish a program to provide grants for a supplemental food program; providing for a continual appropriation of a portion of all unclaimed utility deposits to support the program; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Price, Collins, de Braga, Regan, Perkins, Petrak, Bonaventura, Wendell Williams, Arberry, Toomin, Haller, Chowning, Bache, Anderson, Evans, Smith, Freeman, Giunchigliani, Neighbors, Segerblom and Myrna Williams:

Assembly Bill No. 374—An Act relating to labor disputes; prohibiting an employer from hiring a permanent replacement for a striking employee; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 48.

Assemblyman Porter moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 73.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 77.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 80.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 154.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 112.

Amend section 1, page 1, line 2, by deleting "Every" and inserting: "[Every] *Except as otherwise provided in this subsection, every*".

Amend section 1, page 1, line 9, by deleting the period and inserting: "[.] *, when appropriate.*".

Amend section 1, page 1, by deleting lines 10 through 16 and inserting: "*(b) A mechanical device, attached to the front of the bus which, when extended, causes persons to walk around the device. The device must be approved by the state board and installed at the expense of the school district or operator. The driver shall operate the device when the bus is stopped to load or unload pupils. The installation of such a mechanical device is not required for a school bus which is used solely to transport pupils with special needs who are individually loaded and unloaded in a manner which does not require them to walk in front of the bus.*".

Assemblyman Smith moved the adoption of the amendment.

Remarks by Assemblymen Smith and Collins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 156.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 118.

Amend section 1, page 1, by deleting line 9 and inserting:

"*2. The department may, by regulation, establish a reasonable fee for such a permit. When a short-term lessor who has received a temporary permit issued pursuant to this section applies to register the vehicle, the department shall credit against the amount otherwise due the amount paid by the short-term lessor for the temporary permit.*".

Amend section 1, page 1, by deleting lines 18 through 21.

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 209.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 77.

Amend section 1, page 1, by deleting lines 4 through 8 and inserting: "*the arrest of a person only:*

1. If the person committed a felony involving the use or threat of physical or deadly force and is likely to endanger life or inflict serious physical injury if he is not arrested;

2. In defense of human life; or

3. In defense of any person in immediate danger of serious physical injury.".

Amend sec. 3, page 2, by deleting lines 18 through 22 and inserting: "person [for a felony actually committed; or
(d)] *; or*".
Assemblyman Sader moved the adoption of the amendment.
Remarks by Assemblyman Sader.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 101.
Bill read third time.
Remarks by Assemblyman Lambert.
Roll call on Assembly Bill No. 101:
YEAS—42.
NAYS—None.

Assembly Bill No. 101 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 136.
Bill read third time.
Remarks by Assemblyman Price.
Roll call on Assembly Bill No. 136:
YEAS—42.
NAYS—None.

Assembly Bill No. 136 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 137.
Bill read third time.
Remarks by Assemblyman Price.
Roll call on Assembly Bill No. 137:
YEAS—42.
NAYS—None.

Assembly Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 202.
Bill read third time.
Remarks by Assemblyman Price.
Roll call on Assembly Bill No. 202:
YEAS—42.
NAYS—None.

Assembly Bill No. 202 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 242.
Bill read third time.
Remarks by Assemblyman Bennett.
Roll call on Assembly Bill No. 242:
YEAS—42.
NAYS—None.

Assembly Bill No. 242 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 254.
Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Assembly Bill No. 254:
YEAS—41.
NAYS—Lambert.

Assembly Bill No. 254 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 7 of the 66th Session.
Resolution read third time.
Remarks by Assemblyman Myrna Williams.
Roll call on Senate Joint Resolution No. 7 of the 66th Session:
YEAS—42.
NAYS—None.

Senate Joint Resolution No. 7 of the 66th Session having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 24.
Resolution read third time.
Remarks by Assemblyman Spitler.
Roll call on Assembly Joint Resolution No. 24:
YEAS—42.
NAYS—None.

Assembly Joint Resolution No. 24 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 6, 13, 34, 35, 183.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Frank Audrain and Kelly Bland.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Shera Alberti, Sheila Brown, Rosemary Flores, Victoria Gravelin, Susan Green, Gayle Hurd, Elizabeth Jones, Diane Kennedy, Colleen Killingsworth, Teresa Martin, JoAnn McDougall, Mikel Norman, Angeles Ortega-Horsky, Marsha Patinkin, Roberta Reese, Jenny Rudy, Susan Schoenfeldt, Jennifer Smith, Linda Stetter, Holly Waltz, Jan Windsor, Messrs. Eric Anderson, Chris Barrett, Michael Bell, Wayne Biancalana, Ken Braunstein, Louis Cabrera, Larry Cocanour, Robert Cole, Ken Creighton, Drake Ferrari, Timothy Galvin, Kurt Imerman, Joel Korotkin, Keith Lockard, Dan Morgan, Joe Murin, Richard Olson, Andrew Quinn, John Rugg, Rod Sanford, Larry Schlang, Karl Schneider, Stephen Seeds, Michael Talbott, Jim Weston, Rick Whitsell and the following students from Galena High School: Jane Diamond, Ted Moore, Andrea Nicholson, Emilie Welge, and the following students from Hug High School: Ashley Burgess, Dale Davis, Amelia Maile, Kim Trehal, and the following students from Manogue High School: Brian Egan, Carissa Meyer, Christine Salkowski, Thomas Wainscoat, and the following students from McQueen High School: Jennifer Alex, Matt Arden, Brian Brewer, Dana Dempsey, and the following students from Reed High School: Kacey Edgington, Melissa Fichtner, Scott Hislop, Babs Kingsley, and the following students from Reno High School: Kellie Bozzuto, Marchelle Culver, Allison Kadz, Megan Moschetti, and the following students from Sparks High School: Gina Capurro, Kristina Zarrela, and the following student from Washoe High School: Dawn Pennington, and the following students from Wooster High School: Chris Dolan, Kurt Folgner, Maria Maya and Walter Valline.

On request of Assemblyman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Joyce Barrett.

Assemblyman Porter moved that the Assembly adjourn until Thursday, March 18, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:11 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SIXTIETH DAY

CARSON CITY (Thursday), March 18, 1993

Assembly called to order at 11 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Roy Parker.

Our God and Father, from everlasting to everlasting. You have witnessed the occurrence of many things, both good and evil. Let only good come forth today from this legislative session. And Lord, our thankfulness to You will continue forever as we also now say, thank You. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 17, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 30.

MARY JO MONGELLI
Assistant Secretary of the Senate

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing remarks by Ms. Toni Tennille.

Assembly in recess at 11:26 a.m.

ASSEMBLY IN SESSION

At 11:31 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 144, 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 105, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 31—Urging school districts and local governments to take certain action relating to the safety of school zones.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 375—An Act relating to industrial insurance; giving effect to an employer's previous experience in another state to determine his rates as a new business in this state; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 376—An Act relating to public employment; making certain changes to statutory provisions governing the employment of persons with disabilities by the state, a county or a city; prohibiting expressly discrimination against certain persons on the basis of age or disability; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 377—An Act making supplemental appropriations to the department of commerce for certain expenses; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 303.

Bill read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Gibbons moved that Assembly Bill No. 143 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 26.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 26:

YEAS—42.

NAYS—None.

Assembly Bill No. 26 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 36.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 36:

YEAS—42.

NAYS—None.

Assembly Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 3.

Resolution read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Joint Resolution No. 3:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 3 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Humke, Dini, Hettrick, Marvel, Regan, Tiffany, Gregory, Ernaut, Chowning, Collins, McGaughey, Schneider, Carpenter, Petrak, Toomin, Heller, Augustine, Neighbors, Arberry, Spitler, Lambert, Gibbons, Smith, Porter, Garner, Perkins, Giunchigliani, Haller, Bennett, Segerblom, Wendell Williams, Price, de Braga, Myrna Williams and Bonaventura:

Assembly Bill No. 378—An Act relating to administrative regulations; imposing a temporary moratorium on the adoption of regulations by state agencies; creating an advisory committee to study state regulations and prescribing its duties; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 44, 86, 146; Assembly Concurrent Resolutions Nos. 24, 27; Assembly Joint Resolution No. 21 of the 66th Session.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Jeanne Dini and Ms. Debbie Arrighi.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Martina Young and Terry Reynolds.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Johnny Smith.

On request of Assemblyman Augustine, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Mandy Woodbridge.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Ernie Martenilli.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Linda Ponn.

On request of Assemblyman Bonaventura, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Americo DiPietro.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Pamela Kahn-Van Pelt.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Alice Hanssen.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Patricia Hawkins, Messrs. Ralph Yates, Richard Wright, David Baker and Shawn King.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Tim Wilson.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sylvia Halgrimson.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Pat Smith.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Karen Wells.

On request of Assemblyman Garner, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Patricia Fenkell.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jim Early and Ms. Judy Pruett.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Angie Wallin.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Hilary Lewis and Patty Atcheson.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Barbara Bush, Mr. Jack Neal and the following students from Reno High School, Reno: Zack Ballingham, Ann Barlow, Tyler Barton, Jeff Bennett, Todd Bodensteiner, Tricia Bridenbecker, Jeremy Budge, Jennifer Burkhammer, Christina Chinn, Joe Collins, Marcus Dodson, Sam Franklin, Marc Granata, Kimberly Green, Emily Harris, Alan Hollingsworth, Jared June, Mike Kavner, Paul Koster, Brandon Langowski, Mitch Leong, Mark McCarthy, Alison Levy, Kevin Livingston, Alecia Mayville, Brien McKenzie, Tiffiny Mickinnon, Taylor Morgan, Amy Pincolini, Dan Porras, Brandon Rice, Tony Spinelli, James Strandberg, Alex Umana, Ethan Wood, Jason Woosley, Kevin Jerome, Jeff Hyle, Henry Soladad, Jason Van Houek and Jared Rodriquez.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Bob Still, Mss. Malah McFadden, Karen Ochoa, Joyce Stroup and the following children from Kinderland Nursery School, Carson City: Alex Wing, Alexis Thrower, Amanda Batesel, Amanda Parrish, Andrew Willett, Anthony Stewart, Brandon Mackie, Cody Morris, Cynthia Yenter, Daniel Bass, Eric Walther, Haley Bond, Ian Nunnemaker, Jared Kane, Jeani Pulsipher, Jennifer McMenomy, Jeremiah Gray, Jessie Branden, Jonas Schenzel, Jonathan Bass, Jory McCulley, Justin Ryan, Justin Zimmerman, Kaley Perry, Katy Marsh, Keri Van Doren, Kristin Rink, Lauren Sweetland, Lindsey Bleuss, Lisa Ramos, Lyndsey Tremblay, Margo Bond, Matthew Willett, Michael Barnes, Natalie Emerson, Ryan Zaro, Sandra Shockley, Sarah Green, Stephen McCurdy, Todd Stroup, Travis Hall, Tyler Wing and Jill Straup.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Brian Wallace.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Joan Dyer.

On request of Assemblyman Kenny, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. John Whitmer.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Diane Seevers.

On request of Assemblyman McGaughey, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Cathryn Tennille.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Andria Daly.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Dorothy Lienau.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Robert Wamsley and Rob Hart.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Mike Mansfield.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Sally Lear and Kathy Bartlett.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Stephanie Sparks and Marjorie Noble.

On request of Assemblyman Regan, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Norman Slama and Ms. Terri Chipp.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Richard Esparza.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Greg Giordano and Ms. Valarie Keim.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Susan Shields.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Evangeline Tanner.

On request of Assemblyman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Karen Kreyeski.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Sharon Quinn and Sandra Pardo.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Gary Carlson.

On request of Assemblyman Toomin, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Bob Shields.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Toni Tennille and Mr. Daryl Dragon.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sara Bogard.

Assemblyman Porter moved that the Assembly adjourn until Friday, March 19, 1993 at 10:30 a.m.

Motion carried.

Assembly adjourned at 11:45 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SIXTY-FIRST DAY

CARSON CITY (Friday), March 19, 1993

Assembly called to order at 10:38 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Gregory and Scherer, who were excused.

Prayer by the Chaplain, The Reverend Roy Parker.

O, Father of heaven and earth. This is one of our favorite days of the week, TGIF. Give safe traveling to each of these our faithful and willing lawmakers as they commute. Bless them here today as they meet on our behalf. We ask these things in the name of Acts 4:12.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 120, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Labor and Management.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Assembly Bills Nos. 125, 127, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Concurrent Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 245, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 80, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Assembly Bill No. 120 be re-referred to the Committee on Labor and Management.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 18, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 54, 62, 75.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 218.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 47.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 7.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblyman Hettrick.

Resolution adopted.

GENERAL FILE AND THIRD READING

Assembly Bill No. 154.

Bill read third time.

Remarks by Assemblymen Smith, Price and Hettrick.

Assemblyman Humke requested that Assemblyman Smith's remarks be entered in the Journal.

Thank you, Mr. Speaker. Assembly Bill No. 154 requires each school bus to be equipped with a mechanical device which projects from the front exterior of the bus, and when extended, causes persons to walk around it. The device must be approved by the State Board of Education and installed at the expense of each school district. Such installation is not required for any school bus which is used solely to transport pupils with special needs for individually loading and unloading without having to walk in front of the bus. School bus drivers must operate this mechanical device when the bus is stopped to load and unload pupils.

Roll call on Assembly Bill No. 154:

YEAS—40.

NAYS—None.

Absent—Gregory, Scherer—2.

Assembly Bill No. 154 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 156.

Bill read third time.

Remarks by Assemblyman Toomin.

Roll call on Assembly Bill No. 156:

YEAS—40.

NAYS—None.

Absent—Gregory, Scherer—2.

Assembly Bill No. 156 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 209.

Bill read third time.

Remarks by Assemblyman Wendell Williams.

Roll call on Assembly Bill No. 209:

YEAS—40.

NAYS—None.

Absent—Gregory, Scherer—2.

Assembly Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 303.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Assembly Bill No. 303:

YEAS—40.

NAYS—None.

Absent—Gregory, Scherer—2.

Assembly Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 5, 11, 151, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Joint Resolution No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN EVANS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Gibbons moved that Assembly Bill No. 141 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Gibbons.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 144.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 115.

Amend section 1, page 1, by deleting lines 3 through 12 and inserting:

"*1. The judge or judges in each judicial district shall cause the preparation and maintenance of a list of the panels of persons within the judicial district who:*

(a) Have been injured or had members of their families injured or killed by persons convicted of driving under the influence of an intoxicating liquor or a controlled substance; and

(b) Have, by contacting the judge or judges in the district, expressed their willingness to discuss collectively the personal effect of those crimes.

The list must include the name and telephone number of the person to be contacted regarding each such panel and a schedule of times and locations of the meetings of each such panel within the judicial district. The judge or judges shall establish, in cooperation with representatives of the members of the panels, a fee, if any, to be paid by defendants who are ordered to attend a meeting of the panel. The amount of the fee, if any, must be reasonable and related to the expenses incurred in the operation of the panels.

2. Except as otherwise provided in this subsection, if a defendant pleads or is found guilty of any violation of NRS 484.379 or 484.3795, the court shall, in addition to imposing any other penalties provided by law, order the defendant to:

(a) Attend, at the defendant's expense, a meeting of a panel of persons who have been injured or had members of their families injured or killed by persons convicted of driving under the influence of an intoxicating liquor or a controlled substance, in order to understand the effect such a crime has on other persons; and

(b) Pay the fee, if any, established by the court pursuant to subsection 1.

The court may not order the defendant to attend such a meeting if one is not available within 60 miles of the defendant's residence.

3. A person ordered to attend a meeting pursuant to subsection 2 shall,".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 307.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 114.

Amend section 1, page 1, line 8, by deleting "*3*" and inserting "*5*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 105.

Bill read second time and ordered to third reading.

Assembly Bill No. 141.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 110.

Amend section 1, page 1, by deleting lines 3 through 14 and inserting:

"*1. A person shall not sell or offer to sell a ticket to an athletic event or an entertainment at a price which is more than the price stated on the ticket without the permission of the person who originally issued all of the tickets for the event or entertainment.*".

Amend the title of the bill, first line, by deleting: "or advertisement for sale".

Amend the summary of the bill, first line, by deleting: "or advertisement for sale".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 323, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Chowning, Toomin, Humke, Hettrick, Haller, Carpenter, Petrak, Segerblom, Collins, Giunchigliani, Price, Marvel, Dini, Perkins, Heller, Myrna Williams, Tiffany, Evans, Ernaut, de Braga, Gregory, Bonaventura, Augustine, Bache, Anderson, McGaughey, Smith, Freeman, Regan, Neighbors, Bennett, Kenny and Schneider:

Assembly Bill No. 379—An Act relating to motor vehicles; prohibiting the use of certain material that reduces the light transmission of a windshield or other front window; authorizing the adoption of exceptions and exemptions; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Haller and Bache:

Assembly Bill No. 380—An Act relating to the Airport Authority of Washoe County; requiring a provision for review by an arbitrator of certain disciplinary actions in a plan of civil service adopted by the Airport Authority of Washoe County; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen de Braga, Giunchigliani, Evans, Petrak, Segerblom, Wendell Williams, Freeman, Lambert, Scherer, Haller, McGaughey, Hettrick, Heller, Perkins, Regan, Collins, Price, Arberry, Ernaut, Toomin, Gibbons, Kenny, Smith and Neighbors:

Assembly Bill No. 381—An Act relating to lobbyists; prohibiting a person who developed campaign strategy for a successful legislative candidate from acting as a lobbyist during the legislator's term; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblymen de Braga, Giunchigliani, Evans, Petrak, Segerblom, Wendell Williams, Lambert, Scherer, Chowning, Haller, McGaughey, Hettrick, Heller, Perkins, Regan, Collins, Price, Arberry, Ernaut, Humke, Toomin, Gibbons, Smith and Neighbors:

Assembly Bill No. 382—An Act relating to lobbying; prohibiting a former legislator from serving as a lobbyist for one regular session after the termination of his service in the legislature; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 383—An Act relating to child care; broadening the authority of local governments to regulate child care facilities; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 384—An Act relating to accountants; making certain changes to the written examination for certification as a certified public accountant; revising the provision governing eligibility for taking the examination; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Anderson, Evans, Bache, Collins, Porter, Bennett, Freeman, Sader, Bonaventura, Giunchigliani, Perkins, Petrak, Kenny, Smith, Regan, Toomin and Haller:

Assembly Bill No. 385—An Act relating to occupational safety; creating a cause of action for the death of or substantial bodily injury to an employee that is caused by a willful violation or gross negligence by an employer; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 47.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 218.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 30; Senate Joint Resolution No. 7 of the 66th Session.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to 4-H members Lisa Allen, Sharon Allen, Beth Austin, Laura Baird, Tracy Benson, Corrie Bispo, Mary Ann Boner, Nicole Butler, Heather Currier, Maria Denio, Mindy Duke, Becky Earl, Cheryl Foster, Becky Hardy, Katie Hinckley, Shelby Hiser, Sue Hoffman, Jaime Hustace, Carrie Jacobsen, Sondra Jacobsen, Sharlet Jacobsen, Kevin Kesler, Janet Lancaster, Luke Lancaster, Mattie Lancaster, Justin Lewis, Pete Mangum, Caddie Morgan, Hilary Morris, Jinnie Olive, Julie Price, Paula Richey, Julie Robbins, R. Cody Reuwsaat, Heather Stodieck, Ron Torell, Ruth Tucker, Karen Tuttle, Trent Tweedle, Jet Utter, Amanda Williams, Liz Williams, Paula Williams, Dana Wood, Erica Wood and Jerry Yeager.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Lisa Torell.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. R. B. Weltzin, Kyle Krch, Paul Tremayne and the following students from Austin High School, Austin: Mikel Miller, Matt Zimmerman and Rachelle Young.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Julie Derobertis.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to 4-H members Barbara Chapin, Tobey Chapin, Chester Norcutt, Kyle Davis, Campbell Pontius, Sarah Frazier, Eugene Bordenkircher, Debbie Davis, Ben Timpson, Loren Cooney, Lacey Wilcox, Breeze Souza, Samantha Souza, Amy Moura and Maryanne Pappa.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Cindy Cottam and Karyn Beckstrand.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Nicole Butler and Paula Williams.

On request of Assemblyman Regan, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jan Lannen.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to 4-H members Katie Castleton and Angie Garcia.

Assemblyman Porter moved that the Assembly adjourn until Monday, March 22, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 11:19 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SIXTY-FOURTH DAY

CARSON CITY (Monday), March 22, 1993

Assembly called to order at 11:04 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Scherer, who was excused.

Prayer by the Chaplain, The Reverend Sam Caldwell.

Almighty God, we pray that You help our elected officials, especially the Assemblywomen and Assemblymen gathered here and those who are to be gathered here later this morning, to make decisions that are moral, just, and equitable for all, even though they may feel pressured to hasten the legislative process in the weeks to come.

Please keep all of us mindful that we are here, not to be served, but to serve all citizens of Nevada. In Your name we pray, our Creator and Redeemer. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JAN EVANS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 21.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblyman Evans.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 386—An Act relating to the management of solid waste; revising the provisions of Senate Bill No. 97 of this session to provide additional funding and authority for the collection of the fee on tires and to clarify provisions concerning the recovery of civil penalties and damages for violations of the law; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 226, 227, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 80 be taken from its position on the Second Reading File and placed at the bottom of the Second Reading File.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 105 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 125.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 127.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 245.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 116.

Amend sec. 7, page 2, line 8, after "*subsection*" by inserting: "*may be rebutted by clear and convincing evidence. The presumption*".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblymen Gibbons and Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 323.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 18.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 5.

Bill read second time and ordered to third reading.

Senate Bill No. 11.

Bill read second time and ordered to third reading.

Senate Bill No. 151.

Bill read second time and ordered to third reading.

Assembly Bill No. 80.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 15.

Amend section 1, page 1, by deleting lines 3 through 9 and inserting: "*If the property is subject to condemnation as a result of a public work or public improvement, any decrease or increase in the fair market value of the property before the date of valuation which is caused by the public work or public improvement for which the property is acquired, or by the likelihood that the property would be acquired for such a purpose, other than a decrease or increase resulting from physical deterioration within the reasonable control of the owner, must be disregarded when assessing the value of the property pursuant to NRS 37.110.*".

Amend sec. 2, page 1, by deleting lines 20 through 24 and inserting:

"*5. "Value" has the meaning ascribed to "market value" as that term is defined in 12 CFR Part 34.42(f).*".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. This act becomes effective upon passage and approval. The amendatory provisions of section 1 of this act are intended to codify the rule generally held to apply under current jurisprudence. The amendatory provisions of section 2 of this act which define "value" apply only to a complaint filed pursuant to NRS 37.060 on or after the effective date of this act, and are not intended to influence in any manner a proceeding related to a complaint which was filed before the effective date of this act.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 103, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Bennett and Carpenter as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Barbara Vucanovich.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:20 a.m.

ASSEMBLY IN SESSION

At 11:26 a.m.

Mr. Speaker presiding.

Quorum present.

The President of the Senate, the President pro Tempore of the Senate and Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President and President pro Tempore of the Senate to the Speaker's rostrum.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 11:29 a.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senator Townsend.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblyman Scherer.

The President of the Senate appointed a Committee on Escort consisting of Senator O'Connell and Assemblyman Marvel to wait upon Representative Barbara Vucanovich and escort her to the Assembly Chamber.

The Committee on Escort in company with The Honorable Barbara Vucanovich, United States Representative for Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

Mr. Speaker welcomed Representative Vucanovich and invited her to deliver her message.

Representative Vucanovich delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SIXTY-SEVENTH SESSION, 1993

Thank you, very much. I appreciate the reception. It's good to be back in Nevada and to come before the Nevada Legislature again. From what I read in the newspapers you have your hands full, and I know the feeling so all I can say is, "Keep up the good work."

First of all, I have to tell you that there's a question I am asked frequently these days. People want to know if things have changed for me in Washington now that Bill Clinton is President. Some seem to think that just because there isn't a Republican in the White House, my quality of life has deteriorated. I have to tell you it was nice to have a Republican Administration that was concerned about the care and feeling of Republican members of Congress. Of course it's changed; of course it's a bit different. I have to spell Vucanovich when I call the White House. That, of course, is a change, but one that I can live with.

This is the sixth time I have had the honor of addressing a joint session of the Nevada Legislature, and it's very good to see so many friends like Sue Wagner and Joe Dini and Jake, and I'm not going to try to say who else in here. But I'm equally happy to see so many new faces.

You know, in Washington where change is about as rare as a budget cut, I have to tell you that we're not used to seeing so many new people in the House of Representatives. We have more than 100 new members, most of them young, fresh-faced, idealistic and full of grand plans for changing the way the federal government does business. As a legislator, I welcome and share their enthusiasm and their commitment to the people who elected them. As a Nevadan, I am encouraged by their desire to reduce the Washington bureaucracy and get the government back to the people where it belongs. And as an American, I

am hopeful that they can live up to the pledge that got many of them elected and that is to cut the federal deficit. However, as a conservative who has watched Congress in action, I am cautious about expecting too much too quickly.

You have all heard a great deal in the past few months about President Clinton's plan to change America, to revitalize an ailing and struggling economy. You've heard rosy words about the Clinton plan from my colleagues Jim Bilbray and Harry Reid. But as the only Republican member of the Nevada delegation, I have a responsibility to provide you with a little different view. My Democrat friends understandably aren't going to see things the same way I do, but I do have a responsibility to be as frank with you as possible. You know the responsibility of the party out of power is the loyal opposition. We all want the best for the country and we all want our nation to prosper and move forward. Selfishly, my primary concern is for the great State of Nevada, and quite frankly as I review what Mr. Clinton wants to do for our country, I am a little bit alarmed.

The President says he wants a "New Direction" for America—he wants to reduce the deficit—he wants to create jobs—he wants to increase productivity and raise our living standards. He asks Americans to invest in the future, to pursue the American Dream. And he asks for sacrifice. Candidly, my fellow legislators, the only sacrifice I see in the plan comes at the expense of the working men and women of Nevada. Look out America, because without as much as even trying to cut federal spending, President Clinton plans to reduce the deficit with the largest tax increase ever seen in this country.

Just let me tell you how I see his plan impacting Nevada. I don't have to tell you that historically and economically, Nevada has had a close relationship with mining. A healthy minerals industry is part of our state's tradition. And whether or not you are a supporter of mining, you can't disagree that the industry makes significant economic contributions to the state. But I am sorry to tell you, and most of you probably know, that the Administration proposes to place a 12½ percent royalty tax on gross proceeds of mines on public lands. The impact on Nevada would be devastating. The President's tax plan would simply destroy over half the mining jobs in Nevada. They are among the highest paying in the state—and the secondary jobs created by the industry would be in equal jeopardy. I must say, if you're out to create new, high paying jobs, it seems rather odd to tax to death a job creating industry like mining.

Let's look at other pending Administration proposals from Nevada's perspective. Mr. Clinton proposes to place user fees for grazing on public lands. A University of Nevada study has estimated that severe increases in federal grazing fees could cost Nevada ranchers millions in lost income. You can also guess that more jobs would be lost.

Another concern from Nevada's view, our beautiful state attracts tourists from all over the world and a good many Nevada families depend on the dollars that flow from these welcome visitors. Well, President Clinton intends to stop this flow in not one, but two ways. One, by changing the business meal and entertainment tax deduction from 80 percent to 50 percent. Is this an incentive to spend money doing business? I think not and I submit it is a disincentive that will keep businesses out of our hotels, convention centers and restaurants. Established jobs are at risk and new job creation would be all but dead. Two, the President also proposes an energy tax. Travel to our state becomes more expensive when gas is 7.5 cents per gallon higher. If you're flying, watch out because the BTU tax will add from ten to 15 cents per gallon to the cost of jet fuel. Who pays? The ticket buyer, and when she says enough is enough, Nevada loses one more customer. It's clear that the consequences are lost jobs. Is that good for Nevada? I don't believe so.

Most of the Nevadans I talk to tell me that the American Dream doesn't mean paying more taxes. They believe sacrifice begins with the government. If we are ever going to reduce the deficit, we simply must reduce federal spending. And so far, I'm disappointed that President Clinton doesn't see it that way. If he should see the light, I have a great place for him to start—a sacrifice Nevada would make—stop spending the $400 million scheduled to be spent this year at Yucca Mountain. What a great way to reduce the deficit!

I want to make it clear that I support the need for change, and I hope that we achieve President Clinton's goal of reducing the deficit. I just don't think it is clear enough to the President that the fat in the federal government is in the federal government, and not the taxpayer's wallet. My preference would be for the federal government and the federal

legislature to take the same kind of responsibility for their actions as you take. You all are wrestling with issues that will affect our state for decades, like SIIS and state spending. And when you leave here this year, you will have accomplished something. Traffic may slow down at times, but there is no gridlock in Carson City. That is an example that more members of Congress should take, especially those new colleagues whom I mentioned earlier.

As you can see, the plate is full in our Nation's capitol, but there are many other issues that will be of interest to you. I've already talked about Mr. Clinton's impact on mining, but to elaborate a little bit more, Congressional reform of the 1872 Mining Law is underway and there is real reason for concern. At a hearing I recently held on the issue, Secretary of the Interior Babbitt heard an earful about the devastating effects of the 12½ percent royalty and the dramatic land use changes. These changes would make it totally impractical for mining companies to mine in Nevada. As you may know, I invited the President to come to Elko to see our first-class mining operations for himself. Unfortunately, he has declined. I'm going to ask Secretary Babbitt next. Nevertheless, I will be working with Senators Reid and Bryan to make sure that we have reasonable reform and that that does take place.

Additionally, on April first, I will introduce a bill which will designate areas of the Toiyabe National Forest in Nevada and the El Dorado and Tahoe National Forests in California as the Lake Tahoe Basin National Forest. I believe the lack of national forest identification for the Lake Tahoe Basin continues to cause confusion among the public and those involved in administering policies in this area. There will be no change in current multiple-use management practices.

A growing consensus in Congress makes it likely that the earnings limitation for social security recipients will be raised. Why must we continue to shelve our most precious national resource—our seniors. We came close to passing this legislation last Congress, and I am optimistic for this year.

Seeing that the Clinton Administration wants to lower the deduction for business expenses, I introduced a bill to bring the deduction back to 100 percent. We simply must continue to grow our Nevada economy and this deduction is very important.

Additionally, you are all aware of the moratorium on nuclear testing. I intend to hold hearings this May in Nevada, and bring together our finest scientific minds, industry and labor, to discuss how best to bring about new uses for the Nevada test site. The realities of a post cold war world make it imperative that we usher in a new age at this world's greatest outdoor laboratory. We continue to keep the peace—now let's build on that successful record and keep this proud facility a leader in technological advancement.

This Congress will address the confusion rampant with Indian gaming. The first week of March, five governors, including Governor Miller, urged Interior Secretary Bruce Babbitt to settle growing disputes between state and tribal casinos. Secretary Babbitt said he will continue to seek out a consensus to which all can agree. I wish him well, but I say clarify the 1988 Act. It's for the good of all.

As Nevada grows, your delegation is united in pushing to get rid of the source income tax this year, and we will work toward passage of Representative Bilbray's Spring Mountain National Recreation Area Act.

Of course, there's much more, but let me close by saying how much I enjoy these biennial opportunities to visit with you. We are all Nevadans, regardless of party, and there is much that we can accomplish by working together. As I said in the beginning of my talk, my criteria for actions that we take in Washington is, "Is it good for Nevada, and then is it good for our country?" I will continue to use those guidelines while I am your representative.

Thank you again, and I look forward to seeing you back here again in two years.

Senator Brown moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Vucanovich for her timely, able and constructive message.

Motion carried.

The Committee on Escort escorted the Representative to the bar of the Assembly.

Assemblyman Hettrick moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 11:49 a.m.

ASSEMBLY IN SESSION

At 11:55 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Health and Human Services:

Assembly Joint Resolution No. 25—Urging the selection of Nevada as the state for testing the evolving National Health Program.

Assemblyman Evans moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 54, 62, 75.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Susan Dobyns.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Linda Enteles, Susan Frank, Kathryn Hancock, Mr. Gene Babbit and the following students from Duncan Elementary School, Reno: Juan Baeza, Lisa Barker, Briana Bollinger, Juan Chavez, Shara Douglas, Sheree Ensley, James Froines, Darryl Grider, Michael Jones, Danielle Kinder, Angelina Landeros, Albert Levingston, Ryan Littlefair, Karen Lytle, Antonio Martinez, Obed Martinez, Joan Montejo, Anthony Owens, Adolfo Perez, Julio Perez, David Rodrigues, Nancy Rodriguez, Guadalupe Ruiz, Derrick Smith, Clark Stevens, Maryann Tuipuloto, Isaiah Williams, Gabriela Baca, Jasjit Bains, Bryan Bucker, Michael Delagarza, Ronald Dutra, Waylon Dyer, Vanessa Flores, Zayra Flores, Anthony Garcia, Carla Garica, Sofia Gatica, Julian Jacinto, Jaime Luna, Blanca Nerey, Larry Newman, Joseph Nuanes, Iracema Pineda, Dennis Reagan, Sandra Rivaz, Anthony Shepard, Michael Underwood and Jose Vasquez.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, March 23, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 11:58 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SIXTY-FIFTH DAY

CARSON CITY (Tuesday), March 23, 1993

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Sam Caldwell.

Almighty God, our Creator, help all elected officials of our state to place self confidence over self interest, humility over pride, and principle over partisanship. Help them always to be mindful of their fellow Nevadans for whom they have been elected to serve. In Your Holy and Blessed name we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 198, 249, 257, 258; Senate Bill No. 55, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 321, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bills Nos. 116, 120, 121, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 287, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Labor and Management.

CHRIS GIUNCHIGLIANI, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 22, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 3.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 197, 232.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 14.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 13.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 6.

MARY JO MONGELLI
Assistant Secretary of the Senate

Assemblyman Price moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:14 a.m.

ASSEMBLY IN SESSION

At 11:20 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Gibbons moved that Assembly Bill No. 143 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Gibbons.

Motion carried.

Assemblyman Freeman moved that Assembly Bill No. 127 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Freeman.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 321 be re-referred to the Committee on Ways and Means.

Motion carried.

Senate Joint Resolution No. 13:

Assemblyman Porter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Joint Resolution No. 14:

Assemblyman Porter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Concurrent Resolution No. 6:

Assemblyman Porter moved that the resolution be referred to the Committee on Transportation.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 387—An Act relating to artificial persons; making substantive and conforming changes concerning corporations, limited-liability companies, limited partnerships and the use of fictitious names; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 388—An Act relating to administrative assessments; making various changes to the provisions governing administrative assessments for misdemeanors; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 389—An Act relating to traffic laws; authorizing the regulation of devices used to determine the percentage of alcohol that is present in a person's blood or urine; clarifying certain provisions relating to the measurement of alcohol in a person's breath; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 390—An Act relating to civil actions; including public health agencies within the scope of certain statutory provisions governing actions against providers of health care; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 391—An Act relating to parole; revising the provisions governing the delegation by the state board of parole commissioners of its authority to hear, consider and act upon applications for parole; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 392—An Act relating to crimes; creating the crime of vehicular manslaughter; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 393—An Act relating to criminal procedure; permitting the imposition of sentence without presence of defendant under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 394—An Act relating to the business tax; changing the rate of calculation of the tax and the maximum amount per quarter; providing an additional exclusion; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 395—An Act relating to taxes ad valorem; establishing the maximum rate of the ad valorem tax levied for the support of the jail for Washoe County and the cities of Reno and Sparks; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 396—An Act relating to the insurance premium tax; reducing the tax on insurance policies issued to the state or its political subdivisions; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 397—An Act relating to public works; providing a procedure for and removing barriers to the verification of preferences claimed by contractors on account of the payment of certain taxes; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 398—An Act relating to schools; requiring the licensing of operators of certain pressure vessels in certain schools; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Education:

Assembly Bill No. 399—An Act relating to university foundations; requiring a university foundation to maintain the confidentiality of a donor under certain circumstances; requiring a university foundation to make certain disclosures and submit certain reports to the board of regents and to the public; requiring the board of regents to regulate university foundations; exempting transfers to or from a university foundation from the tax on transfers of real property; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 400—An Act relating to university foundations; providing expressly that a university foundation is not a public body for purposes of the laws relating to open meetings; providing that a university foundation may keep its records confidential; providing expressly that a university foundation is required to pay the tax on transfers of real property; prohibiting an employee or officer of the University of Nevada System from accepting employment or compensation from a university foundation or from serving as a member of the governing body of a university foundation; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 401—An Act relating to education; regulating university foundations; exempting transfers to or from certain university foundations from the tax on transfers of real property; requiring the board of regents to approve certain contracts of employment, agreements for compensation and agreements with independent attorneys; making various changes to provisions governing the board of regents; requiring the approval of the president of a university or community college to conduct certain undercover investigations; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 402—An Act relating to the University of Nevada System; requiring a student who participates as a member of a varsity athletic team to make satisfactory progress toward obtaining a degree; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 403—An Act relating to public employees; prohibiting an agency of the state from publicly disclosing certain allegations relating to a former employee of the agency without notifying that employee; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 404—An Act relating to the legislature; clarifying and expanding the authority of the legislative commission and its subcommittees to issue and enforce subpenas; clarifying the authority of the legislative commission to conduct studies and investigations; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 197.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 232.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 103.

Bill read second time.

Assemblyman Price moved that Assembly Bill No. 103 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Price.

Motion carried.

Assembly Bill No. 226.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 227.

Bill read second time, ordered engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 125.
Bill read third time.
Remarks by Assemblyman Freeman.
Roll call on Assembly Bill No. 125:
YEAS—42.
NAYS—None.

Assembly Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 141.
Bill read third time.
Remarks by Assemblymen Gibbons and Scherer.
Roll call on Assembly Bill No. 141:
YEAS—37.
NAYS—Anderson, Haller, Lambert, Sader, Scherer—5.

Assembly Bill No. 141 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 144.
Bill read third time.
Remarks by Assemblyman Collins.
Roll call on Assembly Bill No. 144:
YEAS—41.
NAYS—de Braga.

Assembly Bill No. 144 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 307.
Bill read third time.
Remarks by Assemblyman Haller.
Roll call on Assembly Bill No. 307:
YEAS—41.
NAYS—Price.

Assembly Bill No. 307 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 323.
Bill read third time.
Remarks by Assemblymen Price, Gibbons, Haller, Myrna Williams, Scherer, Ernaut and Augustine.
Assemblymen Anderson, Myrna Williams and Giunchigliani moved the previous question.
Motion carried.
The question being on the passage of Assembly Bill No. 323.

Roll call on Assembly Bill No. 323:

YEAS—30.

NAYS—Augustine, Evans, Gibbons, Hettrick, Humke, Lambert, McGaughey, Perkins, Porter, Scherer, Tiffany, Wendell Williams—12.

Assembly Bill No. 323 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 18.

Resolution read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Joint Resolution No. 18:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 18 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 5.

Bill read third time.

Remarks by Assemblymen Collins, Wendell Williams and Sader.

Roll call on Senate Bill No. 5:

YEAS—40.

NAYS—Arberry, Wendell Williams—2.

Senate Bill No. 5 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 11.

Bill read third time.

Remarks by Assemblyman Toomin.

Roll call on Senate Bill No. 11:

YEAS—42.

NAYS—None.

Senate Bill No. 11 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 105.

Bill read third time.

Remarks by Assemblyman Gregory.

Roll call on Senate Bill No. 105:

YEAS—42.

NAYS—None.

Senate Bill No. 105 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 151.

Bill read third time.

Remarks by Assemblyman Smith.

Roll call on Senate Bill No. 151:

YEAS—42.

NAYS—None.

Senate Bill No. 151 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 143.

Bill read third time.

The following amendment was proposed by Assemblyman Dini:

Amendment No. 160.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 474 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A fire protection district established pursuant to NRS 474.460 to 474.540, inclusive, which has been in existence for at least 10 years, may be reorganized as a fire protection district subject to the provisions of NRS 474.010 to 474.450, inclusive, in the manner provided in this section.

2. The reorganization of such a district may be initiated by:

(a) A petition signed by at least a majority of the owners of property located within the district; or

(b) A resolution of the board of county commissioners of the county in which the district is located.

3. If, after notice and a hearing, the board of county commissioners determines that the reorganization of the district is in the best interests of the county and the district, it shall adopt an ordinance reorganizing the district. The ordinance must include the name and boundaries of the district.

4. The board shall cause a copy of the ordinance, certified by the clerk of the board of county commissioners, to be filed immediately for record in the office of the county recorder.

5. The reorganization of the district is complete upon the filing of the ordinance pursuant to this section. The district thereafter is subject to the provisions of NRS 474.010 to 474.450, inclusive. Upon the completion of the reorganization of the district, the district shall assume the debts, obligations, liabilities and assets of the former district.

6. The board of county commissioners shall:

(a) Make an order dividing the district into election precincts in the manner provided in NRS 474.070.

(b) Appoint the initial members of the board of directors of the district to terms established in the manner provided in NRS 474.130. Each director must be a resident of the precinct for which he is appointed, and serves until his successor is elected and qualified.".

Amend the bill as a whole by renumbering sec. 4 as sec. 6 and adding a new section designated sec. 5, following sec. 3, to read as follows:

"Sec. 5. NRS 474.160 is hereby amended to read as follows:

474.160 The board of directors shall:

1. Manage and conduct the business and affairs of the district.

2. Make and enforce all rules and regulations necessary for the administration and government of the district and for the furnishing of fire protection thereto, which may include regulations relating to fire prevention. The regulations may include provisions that are designed to protect life and property from:

(a) The hazards of fire and explosion resulting from the storage, handling and use of hazardous substances, materials and devices; and

(b) Hazardous conditions relating to the use or occupancy of any premises.

Any regulation concerning hazardous substances, materials or devices adopted pursuant to this section must be consistent with any plan or ordinance concerning such substances, materials or devices that is required by the Federal Government and has been adopted by a board of county commissioners.

3. *Organize, regulate, establish and disband fire companies, departments or volunteer fire departments for the district.*

4. Make and execute in the name of the district all necessary contracts.

[4.] *5.* Adopt a seal for the district to be used in the attestation of proper documents.

[5.] *6.* Provide for the payment from the proper fund of all the debts and just claims against the district.

[6.] *7.* Employ agents and employees for the district sufficient to maintain and operate the property acquired for the purposes of the district.

[7.] *8.* Acquire real or personal property necessary for the purposes of the district and dispose of that property when no longer needed.

[8.] *9.* Construct any necessary structures.

[9.] *10.* Acquire, hold and possess, either by donation or purchase, in the name and on behalf of the district any land or other property necessary for the purpose of the district.

[10.] *11.* Eliminate and remove fire hazards within the district wherever practicable and possible, whether on private or public premises, and to that end the board may clear the public highways and private lands of dry grass, stubble, brush, rubbish or other inflammable material in its judgment constituting a fire hazard.

[11.] *12.* Perform all other acts necessary, proper and convenient to accomplish the purposes of NRS 474.010 to 474.450, inclusive.".

Amend sec. 4, page 2, line 8, by deleting "1" and inserting "2".

Amend sec. 4, page 2, line 11, by deleting "October 1, 1993," and inserting: "the effective date of this act".

Amend the bill as a whole by adding a new section designated sec. 7, following sec. 4, to read as follows:

"Sec. 7. This act becomes effective upon passage and approval.".

Amend the title of the bill, fourth line, after "districts;" by inserting: "authorizing the reorganization of certain districts; authorizing the board of directors of certain districts to exercise certain powers;".

Amend the summary of the bill, first line, by deleting: "boards of directors of certain".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 7.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sharon Brewster and Mr. Jim Conkey.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Walter Monaghan.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Regina Jackowiak.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Shelly Mansholt.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Annette Hodorowicz-Seaman, Denise Blocchi, Cathy Ryan, Angie Coleman, Mesdames Farnsworth, Collier, Knight, Palmansano, Mr. Gary Davidson and the following students from Bordewich Elementary School, Carson City: Shontae Styes, Karen Larin, Monica Ward, Tawna Bristol, Jessica Cox, Jesse Walch, Bryce Davidson, Erik Hedgcoth, Raymond Shaw, Jose Banuelas, Chase Hardeman, Michael Kizer, Jeff Shufelt, Jaycee Blocchi, Jessica Rozen, Julie Ryan, Christi Fullmer, Kari Galvan, Christine Fullmer, Christine Raby, Tiffany Hawkins, Marla Solis, Jenny Baker, Heidi Peterson, Andy Pytlock, Matt Borda, John Greg, Matt Edgeington, Martha Ceballos, Jessica Ruiz, Tim Millum, Heather Stewart, Mellissa Mauer, Cory Couch, Jennifer Dorchuck, Yadira Gomez, Crystal Knight, Lindy Holmes, Stephanie Adams, Amanda Adamson, Lorraine Diaz, Victor Medira, Juan Flores, Terrance Bradley, Clarence Jones, Jason Moffett, Josh Stephens, James Coleman, Kira Brours, Jennifer Peralta, Sara Collier, Viviana Andrade, Jackie Draflon, Angie Coleman, Thomas Sallee, Geoffrey McCurdy, Joshua Stoneking, Eric Arellano and Mazz Nelson.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Duane Bohling and Mrs. Diane Bohling.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, March 24, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:10 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SIXTY-SIXTH DAY

CARSON CITY (Wednesday), March 24, 1993

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Sam Caldwell.

Almighty God, to whom we all must account for our actions and responsibilities, guide the people of this state and their elected representatives, especially those in this assembly hall, that by faithful administration and sensible and informed legislation, the rights and welfare of all our citizens may be protected and enhanced. In Your Holy Name we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 335, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Joint Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 228, 280, 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 342, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 23, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 1, 32.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 33.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolutions Nos. 17, 18.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, March 24, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 18.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 342 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Giunchigliani.

Motion carried unanimously.

Assemblyman Sader moved that Assembly Bill No. 226 be taken from the General File and re-referred to the Committee on Judiciary.

Remarks by Assemblyman Sader.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 80.

Bill read third time.

Remarks by Assemblymen Schneider, Carpenter, Sader and Price.

Roll call on Assembly Bill No. 80:

YEAS—30.

NAYS—Arberry, Carpenter, Ernaut, Evans, Heller, Hettrick, Kenny, McGaughey, Marvel, Neighbors, Price, Wendell Williams—12.

Assembly Bill No. 80 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 227.

Bill read third time.

Remarks by Assemblyman Bonaventura.

Roll call on Assembly Bill No. 227:

YEAS—42.

NAYS—None.

Assembly Bill No. 227 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 245.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Assembly Bill No. 245:

YEAS—42.

NAYS—None.

Assembly Bill No. 245 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 342.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 342:

YEAS—42.

NAYS—None.

Assembly Bill No. 342 having received a constitutional majority, Mr. Speaker declared it passed.

Assemblyman Giunchigliani moved that all rules be suspended and that Assembly Bill No. 342 be immediately transmitted to the Senate.

Motion carried unanimously.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Price, Anderson, Arberry, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Ernaut, Evans, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Haller, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Regan, Sader, Scherer, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin, Myrna Williams and Wendell Williams:

Assembly Concurrent Resolution No. 32—Commending Dorothy B. North for her public service.

WHEREAS, Dorothy B. North moved to Elko, Nevada, in 1977; and

WHEREAS, Dorothy North has devoted endless hours of her own time serving on state committees involved in preventing alcohol and drug abuse, including serving as Chairman of both the Nevada State Substance Abuse Certification Advisory Board and the Nevada Commission on Substance Abuse Education, Prevention, Enforcement and Treatment; and

WHEREAS, Dorothy North is also a member of the Nevada Uniform Crime Reporting Advisory Committee; and

WHEREAS, Dorothy founded and serves as the Chief Executive Officer of the Vitality Center, a comprehensive chemical dependency treatment facility in Elko, Nevada, and is also the President and co-owner of Evergreen Management Consultants located in Elko; and

WHEREAS, For the past 12 years, Dorothy North has been a lobbyist for issues relating to alcohol and drug abuse in the Nevada Legislature; and

WHEREAS, This year Citizen Outreach, a newly formed nonprofit educational corporation, has created a new program called Capitol Focus; and

WHEREAS, Each legislative session beginning this year, a panel of members from this corporation will select a Nevadan who has made an outstanding contribution to this state and honor them with the "Capitol Focus Award"; and

WHEREAS, Dorothy B. North has been selected as the first recipient of this award in recognition of her relentless work combating one of this nation's most serious problems, alcohol and drug abuse; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature hereby congratulate Dorothy B. North upon receiving the well-deserved "1993 Capitol Focus Award" and commend her for her dedication to helping others in the fight against alcohol and drug abuse; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Dorothy B. North.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblymen Price, Carpenter, Ernaut and Evans.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I was looking for Dorothy. I thought she was going to be here. To remind those of you who may have forgotten, tonight we are going to be roasting Dorothy beginning at 6 p.m. at a special function at the Carson City Nugget.

Dorothy is a very fine little lady. Unfortunately, she is on crutches because of illness. She has been lobbying for the various causes and working here in Nevada since 1977 on various issues as indicated in our resolution. She is a very fine lady.

Of course, she is special to me. Some of you who have been here for the last couple of sessions will recall her singing on the last night along with me. She is an excellent country music singer. We got to talking, and come to find out, she is from southern California. We were singing at some of the same clubs in the Los Angeles area back in the 60s.

She is very deserving and has worked very hard, particularly in the last few years with her appointment as chairman of the commission working on drug rehabilitation. I would urge you to support this resolution and, also, to come over for a couple of hours of fun tonight when the Speaker, myself, some of the Senators and various other people will be on the panel roasting her.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I, too, rise in support of the resolution. For those of you who don't know Dorothy, you are going to miss something in your life. I was on the county commission when we hired Dorothy to be director of the alcohol and drug abuse program in Elko. That was way back in 1977. At that time it wasn't really socially accepted, especially in Elko, to be for alcohol and drug treatment programs. We were just used to rolling the cowboys out of the bars at night and then we would roll them back in the next evening. We didn't have much treatment. Anyway, Dorothy came to the commissioners. We had been trying for many years to find someone to do our program for us because there was another cowboy on the commission with me and we understood alcoholism. We thought we should get a treatment program going. We didn't have too much luck with two or three treatment people, but when Dorothy came along, she really turned the program around.

What always impressed me about Dorothy was that she said, "I'm just an alcoholic, but I am recovering." Then she would proceed to tell me all of the things that happened in her lifetime. I just want to say that Dorothy is an inspiration to anyone who has had problems with alcohol or drug abuse. There is no one who works harder to try to bring the more unfortunate people of our society back into the main stream. Thank you.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Concurrent Resolution

No. 32. I have known Dorothy North since I was very young. In fact, she was the Democratic Chairman of Elko County the entire term my mother was the Republican County Chairman, so obviously we had quite a few dealings with Dorothy.

On a professional level, Dorothy, as my colleague from Elko alluded to, was much more than a political figure. She was someone who worked very hard in alcohol and drug rehabilitation. Having a very dear friend, probably my dearest friend in the world, go through that and having to change his life around, I know that it really does work when someone cares. When someone cares, like Dorothy North, to go to a rural town such as Elko, and go right into the lion's mouth on some of these things where people tend to look the other way when rural kids get into trouble, to take that on and succeed, is testament to such a fine lady. I wish she was here today so that I could tell her that. It will suffice to say that I support this resolution. Thank you.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I am delighted to rise in support of A.C.R. 32. Dorothy has a statewide presence. She has argued persuasively for the people that she serves in those programs. It has been difficult for her in recent years because so much money has been put into interdiction and law enforcement to the detriment of the treatment programs. Dorothy has been the leading figure in Nevada to try to turn that around. Congratulations, Dorothy. We hope she keeps up the good work.

Resolution adopted unanimously.

Assemblyman Porter moved that all rules be suspended and that Assembly Concurrent Resolution No. 32 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Joint Resolution No. 17:

Assemblyman Porter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Joint Resolution No. 18:

Assemblyman Porter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Concurrent Resolution No. 18.

Assemblyman Humke moved the adoption of the resolution.

Remarks by Assemblyman Humke.

Assemblyman Porter requested that Assemblyman Humke's remarks be entered in the Journal.

Thank you, Mr. Speaker. In the words of University of Nevada President, Joe Crowley, "Count Dandini was very much a fixture for many, many years as a professor and as a supporter at the University. He was a man of tremendous breadth of wisdom and had a genuine devotion to the University."

A Reno businessman, whom many of you in northern Nevada know, Bruno Benna, first met Count Dandini in 1947 when Benna attended the University. He was very impressed with him as a fantastic professor and a beautiful dresser. He additionally said, "He was stylish, good-looking and he epitomized the masculine perfection."

Additionally, Mr. Speaker, as the resolution states, Count Dandini was a renaissance man practicing many professions, the highlight of which, in my opinion, was that he held 22 patents. Significantly, he was the 1980 Inventor of the Year. Most significantly, Mr. Speaker, in 1989, he was the Italian Man of the Year for Nevada. I do impart this resolution to you. Thank you.

Resolution adopted unanimously.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:51 a.m.

ASSEMBLY IN SESSION

At 11:56 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Freeman, Myrna Williams, Giunchigliani, Evans, Smith, Sader, Arberry, de Braga, Kenny, Chowning, Segerblom, Garner, Anderson, Haller, Wendell Williams, Price, Spitler, Regan, Lambert, Bache, Toomin, Bonaventura, Petrak, Carpenter, Heller, Perkins, Collins, Dini, Schneider, Ernaut and Humke:

Assembly Bill No. 405—An Act relating to the business tax; exempting child-care establishments from the tax; revising the provisions governing the rate of the tax; providing a credit for a business that provides child care for the children of employees; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 33.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 198.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 249.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 257.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 258.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 287.

Bill read second time.

The following amendment was proposed by the Committee on Labor and Management:

Amendment No. 103.

Amend the bill as a whole by deleting sections 1 through 6 and adding new sections designated sections 1 through 8 to read as follows:

"Section 1. NRS 616.182 is hereby amended to read as follows:

616.182 1. Except as otherwise provided in this section, the department [of industrial relations] shall regulate insurers under this chapter and chapter 617 of NRS and investigate insurers regarding compliance with statutes and the department's regulations.

2. The commissioner [of insurance] is responsible for reviewing rates, investigating the solvency of insurers and certifying self-insured employers and third-party administrators pursuant to NRS 616.291 to 616.298, inclusive, NRS 616.338 and chapter 683A of NRS.

3. The department of administration is responsible for administrative appeals relating to workers' compensation pursuant to NRS 616.541 to 616.544, inclusive. The system is responsible for administrative appeals pursuant to NRS 616.392.

4. The Nevada attorney for injured workers is responsible for legal representation of claimants pursuant to NRS 616.253 to 616.2539, inclusive.

5. The division [of industrial insurance regulation] is responsible for the investigation of complaints. If a complaint is filed with the division by an employee of a self-insured employer, or by a third-party administrator or provider of medical care regarding compliance of a self-insured employer with statutes or the department's regulations, the administrator shall cause to be conducted an investigation which includes a review of relevant records and interviews of affected persons.

6. If an investigation conducted pursuant to subsection 5 indicates that a self-insured employer has failed to comply with a statute or regulation, the administrator may order that an evidentiary hearing take place. Upon a finding that material noncompliance has occurred, the administrator shall impose a fine of not more than [$1,000] *$2,500* against the self-insured employer. Two or more findings of material noncompliance within a 12-month period constitute grounds for the suspension of the self-insured employer's certification by the commissioner. [of insurance.]

Sec. 2. NRS 616.182 is hereby amended to read as follows:

616.182 1. Except as otherwise provided in this section, the department shall regulate insurers under this chapter and chapter 617 of NRS and investigate insurers regarding compliance with statutes and the department's regulations.

2. The commissioner is responsible for reviewing rates, investigating the solvency of insurers [and certifying self-insured employers and] , *certifying* third-party administrators pursuant to *chapter 683A of NRS and regulating self-insured employers pursuant to* NRS 616.291 to 616.298, inclusive, [NRS] *and* 616.338 . [and chapter 683A of NRS.]

3. The department of administration is responsible for administrative appeals relating to workers' compensation pursuant to NRS 616.541 to 616.544, inclusive. The system is responsible for administrative appeals pursuant to NRS 616.392.

4. The Nevada attorney for injured workers is responsible for legal representation of claimants pursuant to NRS 616.253 to 616.2539, inclusive.

5. The division is responsible for the investigation of complaints. If a complaint is filed with the division by an employee of a self-insured employer, or by a third-party administrator or provider of medical care regarding compliance of a self-insured employer with statutes or the department's regulations, the administrator shall cause to be conducted an investigation which includes a review of relevant records and interviews of affected persons.

6. If an investigation conducted pursuant to subsection 5 indicates that a self-insured employer has failed to comply with a statute or regulation, the administrator may order that an evidentiary hearing take place. Upon a finding that material noncompliance has occurred, the administrator shall impose a fine of not more than $2,500 against the self-insured employer. Two or more findings of material noncompliance within a 12-month period constitute grounds for the suspension of the self-insured employer's certification by the commissioner.

Sec. 3. NRS 616.187 is hereby amended to read as follows:

616.187 1. The director shall cause to be conducted at least every 3 years an audit of all insurers who provide benefits to injured employees pursuant to this chapter or chapter 617 of NRS. The director shall cause to be conducted each year on a random basis additional partial audits of any insurer who has a history of violations of the provisions of this chapter or chapter 617 of NRS, or the regulations adopted pursuant thereto, as determined by the director.

2. The director shall require the use of standard auditing procedures and shall establish a manual to describe the standard auditing procedures. The manual must include:

(a) Specific audit objectives;

(b) Standards for documentation;

(c) Policies for supervisory review;

(d) Policies for the training of auditors;

(e) The format for the audit report; and

(f) Procedures for the presentation, distribution and retention of the audit report.

3. The commissioner and the director shall establish a procedure for sharing information between the department of insurance and the department concerning [the qualifications of employers as] self-insured employers *for the purposes of determining the amount that a self-insured employer is required to maintain on deposit* pursuant to NRS 616.291.

4. On or before March 1 of each year, the director shall make a report of each audit to the legislature, if it is in session, or to the interim finance committee if the legislature is not in session.

Sec. 4. NRS 616.2233 is hereby amended to read as follows:

616.2233 The system shall cooperate with the commissioner in the performance of his duties pursuant to this chapter, and shall provide the

commissioner with any information, statistics or data in its records which pertain to any employer [who is making application to become self-insured, or] who is self-insured.

Sec. 5. NRS 616.291 is hereby amended to read as follows:

616.291 1. An employer may qualify as a self-insured employer by establishing to the satisfaction of the commissioner that the employer has sufficient administrative and financial resources to make certain the prompt payment of all compensation under this chapter or chapter 617 of NRS. *The commissioner shall require evidence that the tangible net worth of the employer is at least $5,000,000 before the commissioner certifies an employer as self-insured or renews the certification. The commissioner shall, by regulation, annually increase or decrease the amount of tangible net worth required by this section in an amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding year. If the tangible net worth of an employer becomes less than the amount required by this subsection, the commissioner shall revoke the employer's certification.*

2. A self-insured employer must, in addition to establishing financial ability to pay, deposit with the commissioner a bond executed by the employer as principal, and by a corporation qualified under the laws of this state as surety, payable to the State of Nevada, and conditioned upon the payment of compensation for injuries and occupational diseases to employees. The bond must be in an amount reasonably sufficient to ensure payment of compensation, but in no event may it be less than 105 percent of the employer's expected annual incurred cost of claims, or less than $100,000. In arriving at an amount for the expected annual cost of claims, due consideration must be given to the past and prospective experience of the employer with losses and expenses within this state, to the hazard of catastrophic loss, to other contingencies, and to trends within the state. In arriving at the amount of the deposit required, the commissioner may consider the nature of the employer's business, the financial ability of the employer to pay compensation and his probable continuity of operation.

3. In lieu of a bond the employer may deposit with the commissioner a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the commissioner.

4. The required deposit may be increased or decreased by the commissioner in accordance with chapter 681B of NRS and his regulations for loss reserves in casualty insurance. If the commissioner requires an employer to increase his deposit, the commissioner may specify the form of the additional security. The employer shall comply with such a requirement within 30 days after receiving notice from the commissioner.

5. The commissioner shall require the self-insured employer to submit evidence of excess insurance to provide protection against a catastrophic

loss. The excess insurance must be written by an insurer authorized to do business in this state. The commissioner shall consider the excess insurance coverage as a basis for a reduction in the deposit required of an employer.

6. The account for self-insured employers is hereby created in the state agency fund for bonds. All money received by the commissioner pursuant to this section must be deposited with the state treasurer to the credit of the account for self-insured employers. All claims against this account must be paid as other claims against the state are paid.

Sec. 6. NRS 616.291 is hereby amended to read as follows:

616.291 1. An employer [may qualify] *who was previously certified* as a self-insured employer [by establishing] *must continue to establish* to the satisfaction of the commissioner that the employer has sufficient administrative and financial resources to make certain the prompt payment of all compensation under this chapter or chapter 617 of NRS. The commissioner shall require evidence that the tangible net worth of the employer is at least $5,000,000 before the commissioner [certifies an employer as self-insured or] renews the certification. The commissioner shall, by regulation, annually increase or decrease the amount of tangible net worth required by this section in an amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding year. If the tangible net worth of an employer becomes less than the amount required by this subsection, the commissioner shall revoke the employer's certification.

2. A self-insured employer must, in addition to [establishing] *maintaining proof of his* financial ability to pay, *maintain on* deposit with the commissioner a bond executed by the employer as principal, and by a corporation qualified under the laws of this state as surety, payable to the State of Nevada, and conditioned upon the payment of compensation for injuries and occupational diseases to employees. The bond must be in an amount reasonably sufficient to ensure payment of compensation, but in no event may it be less than 105 percent of the employer's expected annual incurred cost of claims, or less than $100,000. In arriving at an amount for the expected annual cost of claims, due consideration must be given to the past and prospective experience of the employer with losses and expenses within this state, to the hazard of catastrophic loss, to other contingencies, and to trends within the state. In arriving at the amount of the deposit required, the commissioner may consider the nature of the employer's business, the financial ability of the employer to pay compensation and his probable continuity of operation.

3. In lieu of a bond the employer may deposit with the commissioner a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the commissioner.

4. The required deposit may be increased or decreased by the commissioner in accordance with chapter 681B of NRS and his regulations for loss

reserves in casualty insurance. If the commissioner requires an employer to increase his deposit, the commissioner may specify the form of the additional security. The employer shall comply with such a requirement within 30 days after receiving notice from the commissioner.

5. The commissioner shall require the self-insured employer to submit evidence of excess insurance to provide protection against a catastrophic loss. The excess insurance must be written by an insurer authorized to do business in this state. The commissioner shall consider the excess insurance coverage as a basis for a reduction in the deposit required of an employer.

6. The account for self-insured employers is hereby created in the state agency fund for bonds. All money received by the commissioner pursuant to this section must be deposited with the state treasurer to the credit of the account for self-insured employers. All claims against this account must be paid as other claims against the state are paid.

Sec. 7. NRS 616.293 is hereby amended to read as follows:

616.293 1. [Upon determining that an employer is qualified as a self-insured employer, the commissioner shall issue a certificate to that effect to the employer and the administrator.] *Except as otherwise provided in subsection 3, the commissioner shall not certify any employer as a self-insured employer on or after the effective date of this act.*

2. Except as *otherwise* provided in NRS 616.2935, [certificates issued under this section remain] *a certificate issued by the commissioner before the effective date of this act, which certifies that an employer is a self-insured employer, remains* in effect until withdrawn by the commissioner or canceled by the employer. [Coverage for employers qualifying under NRS 616.272 becomes effective on the date of certification or the date specified in the certificate.]

3. The commissioner may certify an employer as a self-insured employer if:

(a) The employer submitted his application and the applicable fees to the commissioner on or before the effective date of this act; or

(b) The employer:

(1) Is moving his business into Nevada for the first time;

(2) Is self-insured for workers' compensation in the state from which he is moving; and

(3) Qualifies as a self-insured employer pursuant to NRS 616.291.

Sec. 8. 1. This section and sections 1, 3, 4, 5 and 7 of this act become effective upon passage and approval. Sections 2 and 6 of this act become effective on the day immediately following the day upon which this act is approved.

2. Sections 2, 3, 4, 6 and 7 of this act expire by limitation on December 31, 1993.".

Amend the title of the bill to read as follows:

"An Act relating to industrial insurance; revising the qualifications for certification as a self-insured employer; increasing the maximum fine for

material noncompliance by a self-insured employer; prohibiting temporarily the commissioner of insurance from certifying any employer as a self-insured employer; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions regarding self-insured employers and prohibits temporarily commissioner of insurance from certifying employers as self-insured employers. (BDR 53-1694)".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Assemblyman Giunchigliani moved that Assembly Bill No. 287 be re-referred to the Committee on Labor and Management.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Labor and Management.

Senate Bill No. 55.

Bill read second time and ordered to third reading.

Senate Bill No. 116.

Bill read second time and ordered to third reading.

Senate Bill No. 120.

Bill read second time and ordered to third reading.

Senate Bill No. 121.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Ways and Means:

Assembly Joint Resolution No. 26—Proposing to amend the constitution of the State of Nevada to clarify the exemption from the debt limitation of money borrowed to retrofit state buildings to make the use of energy in the buildings more efficient.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 3 of article 9 of the constitution of the State of Nevada be amended to read as follows:

Sec. 3. The state may contract public debts; but such debts shall never, in the aggregate, exclusive of interest, exceed the sum of two per cent of the assessed valuation of the state, as shown by the reports of the county assessors to the state controller, except for the purpose of defraying extraordinary expenses, as hereinafter mentioned. Every such debt shall be authorized by law for some purpose or purposes, to be distinctly specified therein; and every such law shall provide for levying an annual tax sufficient to pay the interest semiannually, and the principal within twenty years from the passage of such law, and shall specially appropriate the proceeds of said taxes to the payment of said principal and interest; and such appropriation shall not be repealed nor the taxes postponed or diminished until the principal and interest of said debts shall have been wholly paid. Every contract of indebtedness entered into or assumed by or on behalf of the state, when all its debts and liabilities amount to said sum before mentioned, shall be void and of no effect, except in cases of money borrowed to repel invasion, suppress insurrection, defend the state in time of war, or, if hostilities be threatened, provide for the public defense.

The state, notwithstanding the foregoing limitations, may, pursuant to authority of the legislature, make and enter into any and all contracts necessary, expedient or advisable for the protection and preservation of any of its property or natural resources, or for the purposes of obtaining the benefits thereof, however arising and whether arising by or through any undertaking or project of the United States or by or through any treaty or compact between the states, or otherwise [.] , *including contracts for the retrofitting of state buildings to make the use of energy in the buildings more efficient.* The legislature may from time to time make such appropriations as may be necessary to carry out the obligations of the state under such contracts, and shall levy such tax as may be necessary to pay the same or carry them into effect.

Assemblyman Arberry moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 406—An Act relating to state financial administration; providing for the purchase of retirement credit for certain state employees upon voluntary separation from state service to effect reorganizational savings; making an appropriation to the state board of examiners to restore the balance of certain accounts; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 407—An Act relating to public works; authorizing the use of alternative financing for the retrofitting of buildings occupied by state or local governmental entities to make the use of energy in the buildings more efficient; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 408—An Act relating to state buildings; requiring the establishment of a program to track the use of energy in buildings owned by the state; authorizing use of the program in certain other buildings; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 409—An Act relating to state financial administration; requiring the chief of the budget division of the department of administration to follow certain guidelines when setting aside a reserve from the amounts appropriated or otherwise available to executive agencies; allowing greater revisions in work programs without approval; authorizing state agencies to

accept larger governmental grants under certain circumstances; repealing certain provisions requiring legislative approval of certain changes of positions or allocations of money; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 3.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. and Mrs. Bob Rupracht, Ms. Tash McKellow and Mr. Corey Sanford.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. K. E. Conley, Carol Gubler, Mr. Thad Spear and the following students from Lund High School, Lund: Adam Brose, Jared Carter, Weston Hendrix, Holly Gardner, Camie Montgomery, Kelli Mangum, Aaron Horsley, John McKenzie, Jonathan Keller, Jamey Gardner, Michelle Gardner, Rocky Wise, Charity Gubler, Justin Spear and Cole Lani.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Countess Angela Dandini and Mrs. Amelia Huntoon.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Candice Sader and Master Clayton Sader.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Bill Fulks and Mrs. Jean Fulks.

Assemblyman Porter moved that the Assembly adjourn until Thursday, March 25, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:11 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SIXTY-SEVENTH DAY

CARSON CITY (Thursday), March 25, 1993

Assembly called to order at 11:10 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Tiffany, who was excused.

Prayer by the Chaplain, The Reverend Sam Caldwell.

Almighty God, our Creator, Redeemer, and Sustainer, we pray for Your continued blessing upon the elected representatives of our nation, our state, and our local communities, especially Bill, our President, Bob, our Governor, and the Senators, Assemblywomen and Assemblymen from throughout our state. Grant them wisdom, fairness, and insight in everything they do. For Your Name's sake, we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bills Nos. 113, 122, 134, 135, 136, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JAN EVANS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 24, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 24.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 32.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 20.

Assemblyman Smith moved the adoption of the resolution.

Remarks by Assemblyman Smith.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 410—An Act relating to trade practices of insurers; prohibiting an insurer from owning or controlling a business that receives benefits from the insurer; prohibiting an insurer from being owned or controlled by a business that receives benefits from the insurer; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 411—An Act relating to municipal government; authorizing the creation of a taxing district in an incorporated city to defray the cost of improving business within the district; providing for the financing of such a district; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 412—An Act relating to collective bargaining by local governments; making various changes in the computation of money available for payment to employees; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 413—An Act relating to school districts; exempting school districts from certain fees charged by other instrumentalities of government for services performed; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 414—An Act relating to public works projects; requiring the labor commissioner to hold hearings on and assess fines for certain violations relating to public works projects; requiring the name of each licensed contractor and licensed subcontractor who will perform work pursuant to a contract for a public works project to be included with the bid for the contract; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 415—An Act relating to local government purchasing; raising the threshold for requiring the advertisement of competitive bids for purchases by a local government; raising the threshold for requiring the advertisement of competitive bids for concession agreements for the Airport Authority of Washoe County; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 416—An Act relating to the public utilities; authorizing the public service commission of Nevada to adopt regulations relating to the safety of storage facilities and intrastate pipelines for certain gases and petroleum products; increasing the civil penalty for a violation of certain regulations concerning safety standards for pipelines used to transport gas; expanding the authority of the commission to enter into certain agreements with the Federal Government to enforce federal statutes and regulations governing the safety of storage facilities and interstate pipelines; providing penalties; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 417—An Act relating to forfeiture; providing for the administrative forfeiture of certain property in certain cases; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 228.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 237.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 161.

Amend sec. 5, page 3, line 10, by deleting "*state agency,*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 280.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 335.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 348.
Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 14.
Resolution read second time, ordered engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Joint Resolution No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:24 a.m.

ASSEMBLY IN SESSION

At 11:25 a.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 143.
Bill read third time.
Remarks by Assemblyman Hettrick.
Roll call on Assembly Bill No. 143:

YEAS—41.
NAYS—None.
Absent—Tiffany.

Assembly Bill No. 143 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 198.
Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Assembly Bill No. 198:

YEAS—41.
NAYS—None.
Absent—Tiffany.

Assembly Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 249.
Bill read third time.
Remarks by Assemblyman Augustine.

Roll call on Assembly Bill No. 249:

YEAS—41.

NAYS—None.

Absent—Tiffany.

Assembly Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 257.

Bill read third time.

Remarks by Assemblymen Augustine, Price, Regan, Evans, Porter and Garner.

Conflicts of interest declared by Assemblymen Price, Regan and Evans.

Assemblyman Garner moved that Assembly Bill No. 257 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Garner.

Motion carried.

Assembly Bill No. 258.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Bill No. 258:

YEAS—39.

NAYS—Anderson, Scherer—2.

Absent—Tiffany.

Assembly Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 55.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Senate Bill No. 55:

YEAS—41.

NAYS—None.

Absent—Tiffany.

Senate Bill No. 55 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 116.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Senate Bill No. 116:

YEAS—41.

NAYS—None.

Absent—Tiffany.

Senate Bill No. 116 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 120.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Senate Bill No. 120:

YEAS—41.

NAYS—None.

Absent—Tiffany.

Senate Bill No. 120 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 121.

Bill read third time.

Remarks by Assemblyman Regan.

Roll call on Senate Bill No. 121:

YEAS—41.

NAYS—None.

Absent—Tiffany.

Senate Bill No. 121 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 25, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 19.

MARY JO MONGELLI
Assistant Secretary of the Senate

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:47 a.m.

ASSEMBLY IN SESSION

At 11:48 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 19.

Assemblyman Gibbons moved the adoption of the resolution.

Remarks by Assemblymen Gibbons, Anderson, Marvel and Dini.

Assemblyman Petrak requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GIBBONS:

Thank you, Madam Speaker pro Tempore. It gives me a great deal of pleasure today to rise in support of this resolution. Among other things, Procter Hug, a former Sparks teacher, principal, superintendent of schools, and ultimately the superintendent of Washoe County Schools was literally an icon in the eyes of the people of Sparks. I know my family directly revered Procter Hug and held him in the highest esteem.

His contributions to the children, to the welfare of the citizens of Nevada, literally, is legendary. I think that it goes without saying that no single individual contributed as much of their individual time, energy and talents as Procter Hug did to the improvement, if not the betterment of not only our community, but our state. Procter Hug was a compassionate individual. He was compassionate to all people. He cared about education. He cared deeply about the children and their future. In fact, in doing so, he spent 39 years of his life dedicated to the future of the children of this state. He worked hard for Nevada.

He became one of Nevada's most respected legislators. While he served on the other side of the hallway, he spent eight years over there as a senator dedicating those eight years for the betterment of the State of Nevada.

Even in his later years, Procter Hug contributed greatly to this community. He became the chairman of several committees including the Senior Citizen's Center. Through his hard work, dedication and effort, he was able to secure public funding for many community projects such as the Senior Citizen's Center, the swimming pool in northeast Reno, in fact, they did name a high school after him for his efforts as an educator.

Let it not be said that for all that Procter Hug was, for all that he contributed to the community, for all that he stood for, Procter Hug probably took the greatest joy from his family. He was a devoted husband and father. He was a compassionate man in his community and that compassion was merely a reflection of the love that this man had for his family. Many of his family are here today. I will introduce them later. His love for his wife and children simply mirror what he did for this community.

This state, especially the citizens of Reno, Sparks, and Washoe County have benefitted greatly from the work of this man. I think all of us in this state, in the communities of Reno and Sparks, are going to miss him greatly. He was a great Nevadan. I urge your support for this resolution.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. I rise in support of this resolution and echo the comments of my esteemed colleague from Assembly District 25. There are few words that can be said about Procter Hug that Mr. Gibbons has not already expressed.

I know as a young man growing up in the City of Sparks, I held three people in highest regard relative to education. The number one name on that list was indeed Procter Hug, Tip Whitehead, his long time friend and Kathryn Dunn. To me those three people epitomized what education is. It is those role models I chose to look at and it is those role models that are clearly exemplified by their fine son, Procter Hug, Jr., sitting there and his great dedication to the bench, and the young gentleman who sits with me here. Mr. Gibbons is going to later introduce him, who also has a long history of service, and is starting on an esteemed history for this state. Their dedication is only a reflection of those examples set by Procter Hug, Sr.

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker pro Tempore. It is really quite an honor for me today to rise in support of S.C.R. 19. I have had the pleasure of knowing the Hug family, I hate to admit it, for about 50 years. I would say that the Hug family is truly one of the greatest families in the State of Nevada. Of course, I got to know Procter Hug, Sr. quite well when I was going to the University of Nevada. I had the pleasure of being able to induct Procter, Jr. into the ATO fraternity.

Truly, I think what made Procter a great man was the wonderful, lovely lady he married, Margaret. She is one of the finest ladies I have ever had the pleasure of knowing. I think you people are most deserving of this resolution in memory of Procter, Sr.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore. I guess I have to say Procter and I crossed paths many times in the last 50 years, starting out in athletics, when Sparks used to thrash Yerington 40-0 every time we played.

He indicated his interest in education as superintendent of schools in Washoe County by the contributions that he made to these bodies, and by the expertise he had in operating school districts. In politics, as a senator, he was an outstanding member of the Senate. He had a great working relationship with us in the rural counties because we had known each other for many years. He exemplified the humanitarian aspects of having been a member of the Masonic Lodge and the Shrine in Reno. He was an average guy who could talk to anyone in all walks of life. I was just a kid coming out of nowhere. He treated me like we were equals, and we weren't. I will never forget the kindness he always extended to us.

We would like to offer our condolences to the family on behalf of all of us. We know it is a great loss to you. It is also a great loss to the entire State of Nevada.

Resolution adopted unanimously.

REMARKS FROM THE FLOOR

Assemblyman Price requested that Assemblyman Kenny's remarks be entered in the Journal.

Thank you, Madam Speaker pro Tempore. I know that it is not usual or customary to discuss elections, campaigns and such. I have a special instance I would like to bring up.

As many of you know, my three very most loyal campaign workers are my three children, Stephanie, Thomas and Patrick. They did all the things that most adults hate to do like paper clipping and stuffing envelopes. They did a wonderful job and they did it very happily. Soon after the election, my husband and I got to talking and realized with the size of District 4 growing so rapidly, our three little campaign workers were not going to be enough. So, we went home and started working on that problem. It is with great pride today that I announce that come the end of this summer, campaign worker number 4 will be born to the Kenny family.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 1, 32; Senate Bills Nos. 5, 11, 105, 151.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Matthew Sharp and Ms. Kim Hathaway.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Mel Knoll.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Margaret Hug, Beverly Sharp, Barbara Hug, Cheryl Hug-English, Sue Hug, Ashley English, Alysha English, Julianne Hug, Messrs. Procter Hug, Jr., Procter Hug, III and Christopher English.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Joan Knoll, Alice McNeil, Joan Nelson, Maggie Gordon, Shirley Holmes, Judith Cox, Jill Borggrieve, Bonnie Harges and Elizabeth Beelik.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Matt Seaman, Tim Knight, Darold Moss, Mss. Karon Tury, Vicki Hinton, Angie Campbell and the following students from Battle Mountain High School, Battle Mountain: John Rochester, Donnie Stewart, Andrew Jarmillo, Ryan Spenser, Darold Moss, Jr., Rene Burkhart, Heather Hopkins, Bobby Reid, Yolanda Rodriguez, Christy Speers, Lody Unger, Shayne Benson, Sadie Sullivan, Larry Rogers, Trista Thunhurst, Melissa Rambough, Jason Hinton, Misty Stanton, Noliena Frazier, DeDe Juliano, Melanie Spring and Carl Woodland.

Assemblyman Porter moved that the Assembly adjourn until Friday, March 26, 1993 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:01 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SIXTY-EIGHTH DAY

CARSON CITY (Friday), March 26, 1993

Assembly called to order at 10:48 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Sam Caldwell.

O God, the author of all life, we give You thanks for the privilege of serving and of living in this beautiful part of our nation, the State of Nevada, which You have given to us in Your bountiful creation. Help us always to behold Your gracious hand in all Your works and help us to give back at least a small portion of what You have given us. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 73, 80, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 25, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 29, 160.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 21, 109, 171, 173, 194, 238, 264, 266, 289.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 316.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 21.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 109.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 171.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 173.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 194.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 238.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 264.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 266.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 289.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 316.

Assemblyman Porter moved that the bill be referred to the Concurrent Committees on Labor and Management and Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 17.

Resolution read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 136.

Amend the resolution, page 1, line 26, after "choice" by inserting: ", regarding statewide applicability and comparability of services,".

Assemblyman Segerblom moved the adoption of the amendment.
Remarks by Assemblyman Segerblom.
Amendment adopted.
Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 113.
Bill read second time and ordered to third reading.

Senate Bill No. 122.
Bill read second time and ordered to third reading.

Senate Bill No. 134.
Bill read second time and ordered to third reading.

Senate Bill No. 135.
Bill read second time and ordered to third reading.

Senate Bill No. 136.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 228.
Bill read third time.
Remarks by Assemblyman Smith.
Roll call on Assembly Bill No. 228:
YEAS—42.
NAYS—None.

Assembly Bill No. 228 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 280.
Bill read third time.
Remarks by Assemblyman Scherer.
Roll call on Assembly Bill No. 280:
YEAS—42.
NAYS—None.

Assembly Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 335.
Bill read third time.
Remarks by Assemblymen Myrna Williams and Gibbons.
Roll call on Assembly Bill No. 335:
YEAS—42.
NAYS—None.

Assembly Bill No. 335 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 348.

Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 348:
YEAS—41.
NAYS—Sader.

Assembly Bill No. 348 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 14.
Resolution read third time.
Remarks by Assemblyman Marvel.
Roll call on Assembly Joint Resolution No. 14:
YEAS—42.
NAYS—None.

Assembly Joint Resolution No. 14 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 55, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 318, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 316, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Assemblyman Price moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 11:11 a.m.

ASSEMBLY IN SESSION

At 11:18 a.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:
Assembly Bill No. 418—An Act relating to the business tax; providing for the revocation of a state business license if the holder fails to comply with

the applicable law and regulations; providing a flat rate for the tax according to the number of employees of a business; providing an exemption from the tax for employers of four or fewer employees; extending the date of payment; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Carpenter, de Braga, Neighbors, Hettrick, Dini, Collins and Marvel:

Assembly Bill No. 419—An Act relating to dams; revising the provisions requiring the approval of the state engineer of plans for the construction of dams; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 420—An Act relating to divorce; providing that any community property of the parties which is not divided upon divorce is held by the parties as tenants in common; authorizing either party to request an equal division of such property; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:20 a.m.

ASSEMBLY IN SESSION

At 11:57 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 26, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 342.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 302, 307.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Giunchigliani, Spitler, Freeman, Price, Regan, Petrak, Hettrick, Bonaventura, Wendell Williams, Bennett, Marvel, Gregory, Evans, McGaughey, Haller, Chowning, Anderson, Bache, Lambert, Smith,

Kenny, Gibbons, Toomin, Humke, Schneider, Ernaut, Neighbors, Carpenter, Segerblom, Porter, Myrna Williams, Dini, de Braga, Augustine, Collins, Tiffany, Arberry, Heller, Sader and Scherer:

Assembly Bill No. 421—An Act relating to the business tax; extending the date on which the payment of the tax is due; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 302.

Assemblyman Bennett moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 307.

Assemblyman Bennett moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12 noon.

ASSEMBLY IN SESSION

At 12:03 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bennett moved that the vote whereby Senate Bill No. 307 was referred to the Committee on Government Affairs be rescinded.

Remarks by Assemblyman Bennett.

Motion carried.

Assemblyman Bennett moved that Senate Bill No. 307 be referred to the Committee on Taxation.

Remarks by Assemblyman Bennett.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Joint Resolution No. 24; Assembly Concurrent Resolution No. 32; Senate Concurrent Resolution No. 18.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Peter Smith.

Assemblyman Bennett moved that the Assembly adjourn until Monday, March 29, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:04 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SEVENTY-FIRST DAY

CARSON CITY (Monday), March 29, 1993

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Anderson, who was excused.

Prayer by the Chaplain, The Reverend David Camp.

Lord of our lives, we begin a new week in our deliberations. We pray, be with us as we face the heavy responsibilities that lie before us. Give us the courage to stand for the greatest good for the people of our great state. All glory and honor be unto You.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 60, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 302, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 302 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Garner.

Motion carried unanimously.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 26, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 10.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 191.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 75.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Giunchigliani, Price, Porter, Bennett, Wendell Williams, Spitler, Kenny, Myrna Williams, Anderson, Tiffany, Bache, Smith, Freeman, Garner, Arberry, Gregory, Evans, McGaughey, Chowning, Scherer, Haller, Augustine, Toomin, Carpenter, Lambert, Petrak, Hettrick, Ernaut, Segerblom, Perkins, Regan, de Braga, Collins, Schneider, Gibbons, Humke, Neighbors, Dini and Sader:

Assembly Concurrent Resolution No. 33—Amending the Joint Rules of the Senate and Assembly for the 67th legislative session to establish a tax policy for the State of Nevada.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly as adopted by the 67th session of the Legislature are amended by the following addition:

20

Policy of Taxation for the State of Nevada

Any standing committee of the Assembly or Senate to which a bill is referred proposing a new tax or changing the provisions governing an existing tax shall review the bill giving consideration to the policy of taxation for the State of Nevada which is hereby established:

1. EQUITY: Each tax that is imposed by the state or authorized for imposition by a local government must provide equal liabilities for similarly situated taxpayers.

2. NEUTRALITY: Taxes should not negatively impact decisions regarding earning and spending.

3. ADEQUACY: The basis for the taxes imposed by the state and local governments should be stable and predictable to ensure adequate revenue and accurate budgeting.

4. BROAD BASED: All taxes authorized or imposed by the legislature must have as few exemptions as practicable.

5. SIMPLICITY: The provisions governing the administration of each tax must be easy to comply with and easily understood.

6. COMPATIBILITY: The taxes imposed by the state must be compatible with those levied by local governments, the Federal Government and other states.

7. PREDICTABILITY: The taxes which each person is required to pay must be certain and not arbitrary.

8. EXEMPTIONS: All exemptions must be based on economic criteria and should be subject to a specific time frame.

9. CONVENIENCE: The manner of payment of taxes must be determined on the basis of convenience to the taxpayer.

10. EFFICIENCY: All taxes must be collected in the most efficient manner possible requiring the least amount of paperwork for both the tax collector and the taxpayer.

11. EARMARKING: The use of the proceeds from a particular tax should not be dedicated to a specific purpose unless there is a direct causal relationship between the activities of the persons upon whom the tax is imposed and the need for the revenue.

Assemblyman Giunchigliani moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Marvel, Carpenter, Gibbons, Freeman and Dini:

Assembly Bill No. 422—An Act relating to mining; requiring specified persons who intend to hold a mining claim to make and record certain affidavit; imposing fees for recording the affidavit; increasing the fees imposed on filing certain documents relating to mining claims; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen Giunchigliani, Price, Bache, Kenny, Myrna Williams, Porter, Arberry, Spitler, Garner, Sader, Anderson, Tiffany, Lambert, Smith, Collins, de Braga, Regan, Perkins, Heller, Chowning, Neighbors, Toomin, McGaughey, Evans, Gregory, Marvel, Haller, Schneider, Bennett, Wendell Williams, Augustine, Ernaut, Carpenter, Petrak, Hettrick, Segerblom, Bonaventura, Humke, Freeman and Dini:

Assembly Bill No. 423—An Act relating to taxation; establishing the principles to be applied in administering taxes and fees imposed by the state; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 75.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 191.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 316.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 181.

Amend section 1, page 1, line 2, by deleting "$4,313,129" and inserting "$3,389,471".

Amend section 1, page 1, by deleting line 6 and inserting "$2,231,866.".

Amend section 1, page 1, by deleting lines 10 through 12 and inserting:

"(c) For half-time costs incurred in fiscal year 1992-93 by certain classes of employees who were eligible for overtime compensation at time and one-half as determined in the *Benzler v. State of Nevada* case, $449,995.".

Amend section 1, page 1, by deleting lines 18 and 19 and inserting: "the *Benzler* settlement provisions.

3. There is hereby appropriated from the state highway fund to the state board of examiners the sum of $344,468 for half-time costs incurred before fiscal year 1992-93 by certain classes of employees of the department of motor vehicles and public safety, the public service commission of Nevada and the attorney general's office who were eligible for overtime compensation at time and one-half as determined in the *Benzler v. State of Nevada* case.

4. Payment for time and one-half costs and half-time costs incurred in fiscal year 1992-93 by classes of employees of the department of motor vehicles and public safety, the public service commission of Nevada and the attorney general's office who were eligible for overtime compensation at time and one-half as determined in the *Benzler v. State of Nevada* case and whose salaries are paid from the state highway fund must be made from the appropriated money of those respective agencies as fixed by the 66th session of the legislature.".

Amend sec. 2, page 1, line 20, by deleting "appropriation" and inserting "appropriations".

Amend sec. 2, page 1, by deleting line 22 and inserting: "reverts to the fund from which the money was appropriated as soon as all payments of money committed".

Amend the title of the bill, first line, by deleting "an appropriation" and inserting "appropriations".

Amend the summary of the bill, first line, by deleting "appropriation" and inserting "appropriations".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblymen Arberry and Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 318.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 73.

Bill read second time and ordered to third reading.

Senate Bill No. 80.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 55.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Assembly Bill No. 55:

YEAS—41.

NAYS—None.

Absent—Anderson.

Assembly Bill No. 55 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 237.
Bill read third time.
Remarks by Assemblymen Perkins and Kenny.
Roll call on Assembly Bill No. 237:
YEAS—41.
NAYS—None.
Absent—Anderson.

Assembly Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 113.
Bill read third time.
Remarks by Assemblyman Neighbors.
Roll call on Senate Bill No. 113:
YEAS—41.
NAYS—None.
Absent—Anderson.

Senate Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 122.
Bill read third time.
Remarks by Assemblyman Neighbors.
Roll call on Senate Bill No. 122:
YEAS—41.
NAYS—None.
Absent—Anderson.

Senate Bill No. 122 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 134.
Bill read third time.
Remarks by Assemblyman Carpenter.
Roll call on Senate Bill No. 134:
YEAS—40.
NAYS—Scherer.
Absent—Anderson.

Senate Bill No. 134 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 135.
Bill read third time.
Remarks by Assemblyman Ernaut.

Roll call on Senate Bill No. 135:

YEAS—41.
NAYS—None.
Absent—Anderson.

Senate Bill No. 135 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 136.

Bill read third time.

Remarks by Assemblyman Schneider.

Roll call on Senate Bill No. 136:

YEAS—40.
NAYS—Humke.
Absent—Anderson.

Senate Bill No. 136 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 302.

Bill read third time.

Remarks by Assemblymen Garner, Ernaut, Bache, Myrna Williams and Tiffany.

Roll call on Senate Bill No. 302:

YEAS—41.
NAYS—None.
Absent—Anderson.

Senate Bill No. 302 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Concurrent Resolution No. 16, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

WENDELL WILLIAMS, *Chairman*

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:41 a.m.

ASSEMBLY IN SESSION

At 11:43 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 16.

Assemblyman Wendell Williams moved the adoption of the resolution.

Remarks by Assemblyman Wendell Williams.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Elections and Procedures:

Assembly Bill No. 424—An Act relating to elections; providing alternative locations for special polling places for certain challenged voters; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 425—An Act relating to the legislature; allowing greater flexibility in taking an extended adjournment during a regular session of the legislature; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Haller requested that Assemblyman Giunchigliani's remarks be entered in the Journal.

Thank you, Mr. Speaker. To the PTA, approximately two weeks ago, we adopted a concurrent resolution which I would like to read to you and present to your president.

We would like to welcome all of you here. As my colleague stated, too often we do not have enough of the public sector here in our chambers. There are times when we have children up in the gallery saying the Pledge of Allegiance with us, and it changes the focus. Sometimes, we forget that the people behind those kids are you. You should be commended for your commitment to education. Thank you, very much.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing remarks by Ms. Lyn Bennett.

Assembly in recess at 12:07 p.m.

ASSEMBLY IN SESSION

At 12:09 p.m.

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

Assemblyman Haller requested that the remarks by Lyn Bennett, President of the Nevada Parent Teachers' Association, be entered in the Journal.

Mr. Speaker, members of the Assembly and guests. On behalf of those PTA delegates who are here today, the 30,000 others throughout the state, and all the children in the State of Nevada, we wish to thank you for this recognition and urge you to aggressively pursue those issues for our children in Nevada. Thank you, very much.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 29, 160, 342; Senate Bills Nos. 55, 116, 120, 121; Senate Concurrent Resolution No. 19.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Sherry Loncar, Janet Coombs, Christine Kaminske, Debra Lucsynski, Michelle Terrell, Debbie Stebbins, Terri Robertson, Lora Wheeler, Diane Harris, Patty Hymanson, Messrs. Charles Miller and Pes Bean.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Thomas Whitson, Pete Alfano, Mss. Annette Barginar and Theresa Hanrahan.

On request of Assemblyman Augustine, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Kathleen Mahon and Nancy Steinke.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Karen Nicol and Teresa Dorris.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Nancy Mertz and Elizabeth Hoops.

On request of Assemblyman Bonaventura, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Gloria Lake and Tammie Bylina.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Linda McDonald and Mr. William Thacker.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Denise Brodsky.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Deborah Masters and Brenda Kennedy.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Jana Harrison and Barbara Sealy.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Terry Ruppert.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Michele Luce.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Judy Maxwell.

On request of Assemblyman Garner, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Patty Williams and Kimberly Anderson.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Judy Clark.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Russ Stimmel and Ms. Cindy Stimmel.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Robin Munier and Helen Klatt.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Gwendolyn Moresi and Lyn Bennett.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Marta Garcia and Julie Saunders.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Colleen Ashworth.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Luisa Eagle.

On request of Assemblyman Kenny, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Jennifer Yonesawa and Ruth Apple.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Veronica Oliver and Barbara Clark.

On request of Assemblyman McGaughey, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Marti Ford and Debra Waltman.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. and Mrs. David Gehrke.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Breanda Dymond.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Tamera Saneczko and Cindy Staggs.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Joan Painton.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Ora Dunson and Marsha Thornley.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Sherry Mahlstede, Bobbie Plourde and Sharon Brooks.

On request of Assemblyman Regan, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Douglas Thornley.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Molly Hum and Karen Tatomer.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Linda Carson, Sharon Jacoby and Terry Trickett.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Colleen Van Vleck.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Wanda Rosenbaum and Karen Rashmir.

On request of Assemblyman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Robin Maughn, Linda Carson, Denine Rutledge and Vedia Weathersby.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Rodney Wiedenkeller.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Mary Schlotzhauer, Michele Lee and Ronda Nassorsharif.

On request of Assemblyman Toomin, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Debbi Stutz and Michelle Eames.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Terri Shields and Debra Coffman.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Barbara Charlesworth and Mr. Carl Reed.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, March 30, 1993 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:12 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), March 30, 1993

Assembly called to order at 10:54 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend David Camp.

Lord, we need Your power obtained through prayer to solve problems, decide issues, and to do Your will. But, let us not imagine that this formal prayer can take the place of private petition. May there arise from every desk the silent prayer that seeks to know Your will.

We would not avoid the discipline of hard thinking, but deliver us, O God, from wrong thinking that leads to wrong conclusions. Guide us this day for Your mercy's sake.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 20, 138; Senate Joint Resolution No. 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 8, 90, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 199, 279, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 77, 89, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Judiciary.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 307 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Price.

Motion carried unanimously.

Assemblyman Price moved that Senate Bill No. 307 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 29, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 49, 58.

Also, I have the honor to inform your honorable body that the Senate amended and on this day passed, as amended, Assembly Bills Nos. 52, 65 and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 296.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 123, 226, 234.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 10.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 20.

MARY JO MONGELLI
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Senate Bill No. 307.

Bill read third time.

Remarks by Assemblymen Price, Anderson and Arberry.

Roll call on Senate Bill No. 307:

YEAS—40.

NAYS—Anderson, Gibbons—2.

Senate Bill No. 307 having received a constitutional majority, Mr. Speaker declared it passed.

Assemblyman Price moved that all rules be suspended and that Senate Bill No. 307 be immediately transmitted to the Senate.

Motion carried unanimously.

Assembly Bill No. 318.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 318:

YEAS—39.

NAYS—Gibbons, Porter, Scherer—3.

Assembly Bill No. 318 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 17.

Resolution read third time.

Remarks by Assemblyman Segerblom.

Roll call on Assembly Joint Resolution No. 17:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 17 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 73.

Bill read third time.

Remarks by Assemblyman Toomin.

Roll call on Senate Bill No. 73:

YEAS—42.

NAYS—None.

Senate Bill No. 73 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 80.

Bill read third time.

Remarks by Assemblyman Toomin.

Roll call on Senate Bill No. 80:

YEAS—42.

NAYS—None.

Senate Bill No. 80 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 10.

Assemblyman Porter moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Senate Concurrent Resolution No. 20.

Assemblyman Garner moved the adoption of the resolution.

Remarks by Assemblymen Garner and Anderson.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Segerblom, Carpenter, Petrak, Hettrick, Heller, Perkins, Regan, de Braga, Collins, Bonaventura, Neighbors, Toomin, Anderson, Bache, Lambert, Chowning, Scherer, Freeman, Smith, Tiffany,

Haller, McGaughey, Evans, Gregory, Marvel, Arberry, Porter, Bennett, Wendell Williams, Augustine, Schneider, Ernaut, Garner, Sader, Spitler, Price, Myrna Williams, Giunchigliani, Kenny, Gibbons and Humke:

Assembly Bill No. 426—An Act relating to elections; requiring the secretary of state to prescribe procedures to ensure that each ballot box is accounted for after an election; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblymen Arberry, Evans, Marvel, Price, Chowning, Heller, Perkins, Myrna Williams, Tiffany, Wendell Williams, Augustine, Bennett, Schneider, Bache, Freeman, Lambert, McGaughey, Collins, de Braga, Bonaventura, Regan, Ernaut, Segerblom, Gibbons, Toomin, Haller, Smith, Gregory, Carpenter, Hettrick, Petrak, Kenny, Neighbors, Dini, Garner, Humke, Scherer and Anderson:

Assembly Bill No. 427—An Act relating to pupils; prohibiting a pupil from carrying or possessing any electronic device used for paging or communication while on school grounds; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Bache, Dini, McGaughey, Price, Regan, Humke, Collins, Carpenter, Haller, Gibbons, Wendell Williams, Hettrick, Neighbors, Marvel, Anderson, Scherer, Petrak, Toomin, Ernaut, Perkins, Heller, Giunchigliani, Gregory, Bennett, de Braga, Lambert and Kenny:

Assembly Bill No. 428—An Act relating to motorcycles; allowing the issuance of a citation to a driver or an adult passenger of a motorcycle for failure to wear certain protective devices only if the motorcycle is halted or the driver is arrested for another alleged offense; reducing the penalty for the failure of a driver or an adult passenger of a motorcycle to wear certain protective devices; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 123.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 226.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 234.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 296.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:23 a.m.

ASSEMBLY IN SESSION

At 11:31 a.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 60.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 92.

Amend sec. 2, pages 1 and 2, by deleting lines 14 through 24 on page 1 and lines 1 through 31 on page 2, and inserting:

"Sec. 2. (Deleted by amendment.)".

Amend sec. 3, page 2, line 34, by deleting: "*paragraph (b) of*".

Amend sec. 3, page 2, line 38, by deleting: "[.] , *and section 2 of this act.*" and inserting a period.

Amend sec. 3, page 3, line 4, by deleting the bracket.

Amend sec. 3, page 3, line 7, by deleting the period and inserting: "[.] *or as provided in section 1 of this act.*".

Amend sec. 3, page 3, line 39, after "(n)" by inserting: "*Pursuant to section 13 or 14 of this act.*

(o)".

Amend sec. 3, page 3, line 41, by deleting "(o)" and inserting "[(o)] *(p)*".

Amend sec. 3, page 3, line 43, by deleting the bracket.

Amend sec. 4, page 3, by deleting lines 45 and 46 and inserting: "40.453 *Except as otherwise provided in NRS 40.495:*".

Amend sec. 13, page 5, line 21, by deleting "*nonjudicial*" and inserting: "*a trustee's sale*".

Amend sec. 14, page 5, by deleting line 36 and inserting: "Sec. 14. *A secured*".

Amend sec. 14, page 5, by deleting lines 40 through 42.

Amend sec. 15, page 6, line 7, by deleting "*provisions;*" and inserting "*provision;*".

Amend sec. 15, page 6, line 9, after "*lender had*" by inserting "*actual*".

Amend sec. 15, page 6, by deleting lines 13 through 15 and inserting:

"2. *If the parties have so agreed, the lender may recover interest on the amount advanced by him to cure or mitigate the breach.*".

Amend sec. 17, page 7, line 5, by deleting "*or not*".

Amend sec. 17, page 7, line 8, by deleting the period and inserting: ", *of any environmental impairment.*".

Amend sec. 17, page 7, line 11, after "*obtained.*" by inserting: "*If the waiver covers the full extent of the collateral, the lender shall immediately thereafter cause his lien to be released by recording the waiver in the same manner as the lien was recorded.*".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Lambert moved that Assembly Bill No. 103 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Lambert.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 34—Memorializing long-time Nevada resident Willie Albert Neal.

WHEREAS, This legislative body notes with sorrow and regret the passing of Willie Albert Neal on March 6, 1993; and

WHEREAS, Willie Albert Neal was born on July 9, 1933, to Joseph and Josephine Neal in McGee, Arkansas; and

WHEREAS, Willie Neal received his early education at Shaddy Grove Missionary Baptist Church and Thomastown High School in Mounds, Louisiana; and

WHEREAS, While serving 2 years in the U.S. Army, Willie was awarded a Specialist in Trucking; and

WHEREAS, After moving to Las Vegas in 1952, Willie worked for several companies, including the Jockey Club, Desert Inn Hotel, Thunderbird Hotel, Wells Fargo, Sproul Homes and the Moulin Rouge; and

WHEREAS, In 1982, while working for the Nevada Test Site as a truck driver, Willie founded Can Do Construction, Inc., and pursued his dream of owning his own company; and

WHEREAS, On January 31, 1987, Willie Neal was baptized as a member of the Las Vegas 3rd Ward, Church of Jesus Christ of Latter-day Saints and was ordained an Elder on October 11, 1987; and

WHEREAS, Willie Neal also served as a Stake Missionary and Home Teacher; and

WHEREAS, Willie Neal was a member of the Elks Paran Lodge 1508 for over 30 years; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 67th session of the Legislature of the State of Nevada extend their heartfelt sympathy to their highly respected colleague, Senator Joseph M. Neal, Jr., brother of Willie Neal and to Willie's wife, Lois, daughter, Terri, other four brothers, Jerry, Charles, Celester and Tommy, all of Las Vegas, his two Aunts, Mary Willis of Pine Bluff, Arkansas, and Effie Holmes of New London, Connecticut,

grandson, Kenton Ray Graves, II, two step-grandsons, Dion and Terence Williams and his many relatives and friends who will miss the gentleness, energy and kindness of Willie Albert Neal; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Willie's loving wife, Lois, and his daughter, Terri.

Assemblyman Arberry moved the adoption of the resolution.

Remarks by Assemblyman Arberry.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Elections and Procedures:

Assembly Bill No. 429—An Act relating to county fire protection districts; eliminating the requirement for an election for the board of directors of a county fire protection district if only one candidate files for that office; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 430—An Act relating to state lands; establishing fees for certain applications and permits; changing the fee for and use of the proceeds from copying certain records; clarifying the authority of the state land registrar to authorize the use of state land; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 103.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 201.

Amend section 1, page 1, by deleting lines 8 through 23 and inserting:

"2. An ordinance enacted pursuant to this chapter may not become effective before a question concerning the imposition of the tax is approved by a majority of the registered voters of the county voting upon the question which the board may submit to the voters at any *primary or general* election. A county may combine the question for mass transportation and public roads with questions submitted pursuant to NRS 244.3351, 278.710, 365.203, 371.045 or 373.030, or any combination thereof. The board shall also submit to the voters *at a primary or general election* any proposal to *increase the rate of the tax or* change the previously approved uses for the proceeds of the tax.

3. Any ordinance enacted pursuant to this section must specify the date on which the tax must first be imposed [,] *or on which an increase in the rate*

of the tax becomes effective, which must not be earlier than the first day of the second calendar month following the approval of the question by the voters.".

Amend sec. 2, page 2, by deleting lines 3 and 4 and inserting:

"1. A provision imposing a tax upon retailers at the rate of not more than *:*

(a) For a tax to promote tourism, one-quarter of 1 percent *; or*

(b) For a tax for public mass transportation and construction of public roads, one-half of 1 percent,

of the gross receipts of any retailer from".

Amend sec. 2, page 2, after line 15, by inserting:

"*5. A provision that exempts from the portion of the tax imposed by the ordinance the gross receipts from the sale in the county of all tangible personal property used for the performance of a contract for construction which was executed before the date of the election at which the portion of the tax is first approved or for which a binding bid was submitted before that date if the bid was afterward accepted.*".

Amend the title of the bill to read as follows:

"An Act relating to taxation; authorizing a board of county commissioners to increase the rate of the taxes imposed for public mass transportation and construction of public roads; clarifying that any ordinance enacted changing the rate of a tax imposed for public mass transportation and construction of public roads or to promote tourism must be submitted to the registered voters of the county for their approval; limiting the election for voting on a question to impose or increase such a tax to a primary or general election; requiring a temporary exemption from any additional tax for the gross receipts from the sale of property used in certain construction contracts; and providing other matters properly relating thereto.".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 10; Senate Bills Nos. 302, 307.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Carol King, Susan Cornfield and the following students from Fernley High School, Fernley: David Andrulli, Chico Buckner, Angela Ceresola, Kylene Claar, Nikki Cooper, Bobbiann Curtis, Angela Davis, Ken Depoali, Heidi Foster, Mayme Gauer, Michael Gerrard, Chris Jackson, Joleen John, Kasey Knight, Robert Kramer, Robert Luis, Jeremy McIntyre, Doug Neville, Brian Norman, Chris Pierson, Brandi Pinell, Josh Teeter and Jessica Wynia.

On request of Assemblyman Bonaventura, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sandra Pardo and Mr. Beecher Avants.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, March 31, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 11:43 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), March 31, 1993

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter, Hettrick and Scherer, who were excused.

Prayer by the Chaplain, The Reverend David Camp.

This morning let us join together in a moment of silent prayer in memory of Jerry Thran whose funeral service is taking place this hour. We do this in respect to his widow, Joan Thran, long-time Senate Committee Secretary for Senator Jacobsen.

Lord, You constantly remind us how temporal is our earthly existence. Grant to us Your power to fulfill Your will and make our lives consequential for good in our homes, our communities and our state.

Lord, make us so disgusted with our shallowness that we shall pray sincerely this morning for a new spirit and new attitudes. Then shall our prayers mean something, not alone to ourselves, but to others. To You be the glory. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Concurrent Resolution No. 28, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MYRNA WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which were referred Assembly Joint Resolutions Nos. 7, 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which were referred Assembly Bills Nos. 105, 106, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 81, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 65, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 77, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 293, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Evans moved that Assembly Concurrent Resolution No. 26 be re-referred to the Committee on Ways and Means.

Motion carried.

Assembly Concurrent Resolution No. 28.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

Assemblyman Garner moved that Assembly Bill No. 20 be taken from the Second Reading File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Garner moved that Assembly Bill No. 138 be taken from the Second Reading File and re-referred to the Committee on Government Affairs.

Remarks by Assemblyman Garner.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 431—An Act relating to mental disorders; making various changes concerning facilities and patients of the mental hygiene and mental retardation division of the department of human resources; repealing the provisions concerning mental health programs provided by counties;

extending the definition of certain offenses; providing penalties; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 432—An Act relating to state welfare programs; making various changes regarding the administration of those programs; providing for certain additional programs; repealing certain provisions regarding services to the aged, blind or disabled; making various changes regarding the medical care advisory group; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Porter, Arberry, Augustine, Bache, Bennett, Bonaventura, Chowning, Collins, de Braga, Garner, Giunchigliani, Gregory, Kenny, McGaughey, Perkins, Petrak, Price, Regan, Scherer, Schneider, Segerblom, Smith, Spitler, Tiffany, Myrna Williams and Wendell Williams:

Assembly Bill No. 433—An Act relating to cities; authorizing certain cities to create districts to finance the costs of improving a central business area; authorizing the city to impose a tax on transient lodging; requiring the city to use the proceeds from the tax for specific purposes; allowing the city to pledge the proceeds from the tax to pay for general or special obligations; providing a procedure for challenging the validity of the ordinance, tax or project; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 434—An Act relating to criminal procedure; revising the provisions governing judgments of acquittal; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 435—An Act relating to divorce; providing for the disposition upon divorce of property held by the parties in joint tenancy; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 436—An Act relating to unemployment compensation; precluding a person from receiving unemployment compensation if he is receiving benefits for a temporary partial disability or money for rehabilitative services; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 437—An Act relating to industrial insurance; providing in skeleton form for the abolition of the state industrial insurance system; recreating the Nevada industrial commission; authorizing the commission to establish by regulation certain procedures to govern the payment of benefits to injured employees; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 438—An Act relating to local governmental finance; revising the provisions of Senate Bill No. 307 of this session to limit the authorization for creating and financing park districts to certain larger counties; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 8.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 186.

Amend section 1, page 2, line 4, by deleting "*6*" and inserting "*16*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 77.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 157.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 6 as sections 1 through 5.

Amend sec. 2, pages 1 and 2, by deleting lines 21 through 27 on page 1 and lines 1 through 40 on page 2 and inserting:

"207.030 1. [Every person who:

(a) Solicits anyone to engage in or who engages] *It is unlawful to:*

(a) Offer or agree to engage in or engage in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view;

(b) [Solicits] *Offer or agree to engage in, engage in or aid and abet* any act of prostitution;

(c) [Is] *Be* a pimp, panderer or procurer or [lives] *live* in or about houses of prostitution;

(d) [Accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms;

(e) Goes from house to house begging food, money or other articles, or seeks] *Seek* admission to [houses] *a house* upon frivolous pretexts for no other apparent motive than to see who may be therein, or to gain an insight of the premises;

[(f) Keeps] *(e) Keep* a place where lost or stolen property is concealed;

[(g) Loiters in or about]

(f) Obstruct the use of any toilet open to the public [for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act;

(h) Loiters or wanders upon the streets or from place to place without apparent reason or business and who refuses to state his name and to account for his presence when requested by any peace officer so to do, if the surrounding circumstances are such as to indicate to a reasonable man that the public safety demands the identification;

(i) Loiters, prowls or wanders upon the private property of another, without visible or lawful business with the owner or occupant thereof, or who, while loitering, prowling or wandering upon the private property of another, peeks in the door or window of any inhabited building or structure located thereon, without visible or lawful business with the owner or occupant thereof; or

(j) Lodges] *by lying, sleeping or otherwise remaining standing or sitting therein or about, except in case of physical emergency or for the administration of medical assistance;*

(g) Fail to comply with the request of a peace officer to move on after the officer has observed that the person, by lying, sleeping or otherwise remaining standing or sitting therein or about, is obstructing the use of or free passage on any public street, highway, alley, lane, parkway, sidewalk, bus stop bench or other transportation facility or right of way, regardless of whether the right of way has been dedicated to the public in fee or by easement, unless the person's action results from a physical emergency or is necessary for the administration of medical assistance;

(h) Proceed upon the inhabited property of another without prior invitation of the owner or lawful occupant of the property and, without first making reasonable attempts to cause the occupant of the property to answer the door, approach or peek in a window on the property; or

(i) Lodge in any building, structure or place, whether public or private, without the permission of the owner or person entitled to the possession or in control thereof . [,

is a vagrant.

2. Every vagrant]

2. A person who violates a provision of subsection 1 shall be punished:

(a) For the first violation of paragraph (a), (b) or (c) of subsection 1 and for each subsequent violation of the same paragraph occurring more than 3 years after the first violation, for a misdemeanor.

(b) For the second violation of paragraph (a), (b) or (c) of subsection 1 within 3 years after the first violation of the same paragraph, by imprisonment in the county jail for not less than 30 days nor more than 6 months and by a fine of not less than $250 nor more than $1,000.

(c) For the third or subsequent violation of paragraph (a), (b) or (c) of subsection 1 within 3 years after the first violation of the same paragraph, by imprisonment in the county jail for 6 months and by a fine of not less than $250 nor more than $1,000.

(d) For a violation of any provision of paragraphs (d) to [(j),] *(i)*, inclusive, of subsection 1, for a misdemeanor.

3. The terms of imprisonment prescribed by subsection 2 must be imposed to run consecutively.

4. A local government may enact an ordinance which regulates the time, place or manner in which a person or group of persons may beg or solicit alms in a public place or place open to the public.".

Amend sec. 3, page 3, by deleting lines 6 through 8 and inserting: "vagrancy ordinance which conforms to the provisions of NRS 207.030.] *vagrancy and loitering ordinances.*".

Amend sec. 4, page 3, by deleting lines 22 through 24 and inserting: "vagrancy ordinance which conforms to the provisions of NRS 207.030.] *vagrancy and loitering ordinances.*".

Amend sec. 5, page 3, by deleting lines 29 and 30 and inserting: "conforms to the provisions of NRS 207.030.] *vagrancy and loitering ordinances.*".

Amend the title of the bill to read as follows:

"An Act relating to crimes; revising the provisions regarding loitering and vagrancy; providing a penalty; authorizing certain local ordinances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions regarding loitering and vagrancy. (BDR 15-509)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Assemblyman Sader moved that Assembly Bill No. 77 be re-referred to the Committee on Judiciary.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Judiciary.

Assembly Bill No. 89.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 86.

Amend the bill as a whole by deleting section 1 and adding new sections, designated sections 1 through 5, and the text of the repealed section following the enacting clause, to read as follows:

"Section 1. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *As used in sections 2, 3 and 4 of this act, unless the context otherwise requires:*

1. "Dangerous animal" means an animal of the canine or feline family which:

(a) The owner knows or reasonably should know has a propensity, tendency or disposition to attack unprovoked, cause injury or otherwise endanger the safety of persons or domestic animals.

(b) Is owned or harbored primarily or in part for fighting.

(c) Is trained for fighting.

(d) Makes an unprovoked attack that causes injury to a person, if the attack occurs in a place other than the place where the animal is confined on the owner's premises.

The term does not include an animal which is used exclusively for agricultural purposes or which attacks a person who is or appears to be trespassing upon the premises of the animal's owner. An animal is not a "dangerous animal" solely by virtue of its breed or species.

2. "Injury" means a puncture of the skin, laceration, broken bone or any injury which results in the victim's death.

3. "Owner" means a person who owns or has custody or control of the animal.

Sec. 3. *1. It is unlawful to own a dangerous animal which is not registered as such with the sheriff of the county in which the owner resides. A sheriff shall not accept an application for such a registration unless it is accompanied by evidence of liability insurance in a face amount of at least $50,000 which insures the owner for personal injuries inflicted by the dangerous animal. Upon receipt of the application, evidence of insurance and any applicable fee set by the board of county commissioners, the sheriff shall issue a certificate of registration for the dangerous animal and provide the owner of the animal with a metal tag as evidence of registration. The tag must be attached to a collar or harness worn by the dangerous animal at all times. Such a certificate must be renewed annually.*

2. Except as otherwise provided in this subsection, it is unlawful for the owner of a dangerous animal to allow the animal to be unconfined on his premises. The provisions of this subsection do not apply to an animal which is on patrol in a secured area and was supplied by a dog handler licensed pursuant to chapter 648 of NRS.

3. It is unlawful for the owner of a dangerous animal to allow the animal to go beyond the boundaries of the owner's premises unless the animal is safely restrained. If a dangerous animal goes beyond the boundaries of the owner's premises and injures or causes the death of a person or a domestic animal, the owner is rebuttably presumed to have allowed the animal's unrestrained activity.

4. A law enforcement officer who has probable cause to believe that a person has violated the provisions of this section may petition a court of competent jurisdiction for an order to seize and impound the animal during the pendency of criminal actions against the owner.

5. Unless a more severe penalty applies, a person who violates the provisions of this section is:

(a) For the first offense, guilty of a misdemeanor.

(b) For the second or subsequent offense, guilty of a gross misdemeanor.

6. If a dangerous animal causes the death of a person, the owner shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than $5,000.

7. If a dangerous animal attacks a person or domestic animal, the court may order the dangerous animal to be destroyed if the court determines that the dangerous animal represents a continuing threat of serious harm to persons or domestic animals.

8. A person who is found guilty of violating the provisions of this section shall pay all expenses ordered by the court which relate to the violation, including, but not limited to, expenses for shelter, food, veterinary care, and, if applicable, destruction of the dangerous animal.

9. The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

10. As used in this section, "unconfined" means not confined securely:

(a) Indoors; or

(b) Outdoors in an enclosed and locked pen or run which is:

(1) Clearly marked as containing a dangerous animal;

(2) Designed to prevent the entry of the general public, including children; and

(3) Designed to prevent the escape or release of the animal.

Sec. 4. *1. If a person who is lawfully on the premises of the owner of a dangerous animal is the victim of an unprovoked attack by the dangerous animal or witnesses such an attack, he may use reasonable force to repel or stop the attack. The person is not liable for damages resulting from action taken to repel or stop an unprovoked attack or to restrain or control the dangerous animal.*

2. As used in this section, a person is "lawfully on the premises" if he is there:

(a) In the performance of a legal duty;

(b) By invitation, expressed or implied; or

(c) In the performance of a duty relating to public health or safety.

Sec. 5. NRS 202.500 is hereby repealed.

TEXT OF REPEALED SECTION

202.500 Unlawful to keep vicious dog. It shall be unlawful for any person to own or keep any vicious dog. If any person shall own or keep a vicious dog, and such dog shall injure any person, the owner or keeper of the dog shall be guilty of a misdemeanor.".

Amend the title of the bill to read as follows:

"An Act relating to crimes against public safety; revising the criminal provisions relating to owning or keeping a dangerous animal; requiring the registration of dangerous animals; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises criminal provisions relating to owning or keeping dangerous animal. (BDR 15-597)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Assemblyman Sader moved that Assembly Bill No. 89 be re-referred to the Committee on Judiciary.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Judiciary.

Assembly Bill No. 90.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 65.

Amend section 1, pages 1 and 2, by deleting lines 11 through 20 on page 1 and lines 1 through 3 on page 2 and inserting:

"*3. In addition to the prohibitions set forth in subsections 1 and 2, a business or industry whose activities are governed by regulations adopted by a department, division or other agency of the executive branch of government shall not, except as otherwise provided in subsection 4, employ a former public officer or employee of the agency for 1 year after the termination of his service or period of employment if:*

(a) His principal duties included the formulation of policy contained in the regulations governing the business or industry;

(b) His duties during the immediately preceding year included the performance of an audit or other investigation of the prospective employer; or

(c) As a result of his governmental service or employment, he possesses knowledge of the trade secrets of a direct business competitor.

4. A public officer or employee may request the ethics commission to apply the relevant facts in his case to the provisions of subsection 3 and determine whether relief from the strict application of the provisions is proper. If the ethics commission determines that relief from the strict application of the provisions of subsection 3 is not harmful to:

(a) The best interests of the public; and

(b) The continued integrity of state government,

it may issue an order to that effect and grant such relief. The decision of the ethics commission in such a case may not be appealed.".

Amend section 1, page 2, line 4, by deleting "*4.*" and inserting "*5.*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 199.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 197.

Amend section 1, page 1, by deleting lines 3 through 7 and inserting:

"*1. A person who, without lawful authority, willfully or maliciously engages in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed, and that actually causes the victim to feel terrorized, frightened, intimidated or harassed, com-*".

Amend section 1, page 2, by deleting lines 1 through 33 and inserting:

"*3. Except as otherwise provided in subsection 2 of NRS 200.571, a criminal penalty provided for in this section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same conduct or for any contempt of court arising from the same conduct.*

4. The penalties provided in this section do not preclude the victim from seeking any other legal remedy available.

5. The provisions of this section do not apply to picketing which occurs during a strike, work stoppage or any other labor dispute.

6. As used in this section:

(a) "Course of conduct" means a pattern of conduct which consists of a series of acts over time that evidences a continuity of purpose directed at a specific person.

(b) "Without lawful authority" includes acts which are initiated or continued without the victim's consent and acts which are not otherwise authorized by specific constitutional or statutory law, regulation or order of a court of competent jurisdiction.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 279.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 135.

Amend section 1, page 1, by deleting lines 15 through 17 and inserting:

"*(b) The officer has no indication that the defendant has previously failed to appear on the charge reflected in the warrant;*".

Amend the title of the bill by deleting the third and fourth lines and inserting: "meanor offense; and providing other matters properly relating".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Joint Resolution No. 8.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 316.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 316:

YEAS—38.

NAYS—None.

Absent—Carpenter, Hettrick, Scherer—3.

Not voting—Evans.

Assembly Bill No. 316 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Collins, Regan, de Braga, Segerblom, Bonaventura, Price, Anderson, Bache, Perkins, Giunchigliani, Smith, Petrak, Porter, Arberry, Toomin, Wendell Williams, Kenny, Sader, Haller, Chowning and Myrna Williams:

Assembly Bill No. 439—An Act relating to employment practices; requiring certain employers to enter into a fair share agreement with each labor organization they recognize; defining a "fair share agreement" as an agreement under which an employee who is not a member of the labor organization pays to the labor organization his share of the costs related to collective bargaining; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblymen Price, McGaughey, Collins, Spitler, Arberry, Gibbons, Humke, Tiffany, Anderson, Bache, Lambert, Hettrick, Heller, Petrak, Perkins, de Braga, Wendell Williams, Bennett, Augustine, Bonaventura, Chowning, Ernaut, Evans, Freeman, Haller, Porter, Scherer and Segerblom:

Assembly Bill No. 440—An Act relating to crimes against public health; revising the provision restricting smoking in public buildings to specify the effect of leasing such a building; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 52.

The following Senate amendment was read:

Amendment No. 138.

Amend section 1, page 1, line 7, by deleting the period and inserting: "*, whichever is greater.*".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 52.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 65.

The following Senate amendment was read:

Amendment No. 106.

Amend section 1, page 2, line 4, by deleting: "state or dead," and inserting: "state , [or] dead, *or*".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 65.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 49, 58; Senate Bills Nos. 113, 122, 134, 135, 136.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Art Clayton and Pierre Beck.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Barry Bouchard.

Assemblyman Porter moved that the Assembly adjourn until Thursday, April 1, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 11:47 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 1, 1993

Assembly called to order at 11:05 a.m.

Assemblyman Porter presiding.

Roll called.

All present except Assemblymen Carpenter and McGaughey, who were excused.

Prayer by the Chaplain, The Reverend David Camp.

Supreme God, we acknowledge our dependence upon the creative force which makes possible life with its challenges and responsibilities as well as its joys and pleasures. Receiving Your blessings, O Lord, help us to fulfill this day so that what we do will be a blessing to others. Lord, we know often this house is in the dark, but we thank You for letting there be light this morning. To Your glory and honor we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Bennett moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Assemblyman Porter announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:12 a.m.

ASSEMBLY IN SESSION

At 11:13 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 345, 362, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 31, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 34.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Evans, Anderson, Toomin, Giunchigliani, Haller, Freeman, McGaughey, Garner, Bache, Price, Spitler, Perkins, Petrak, Regan, Smith, Kenny, Augustine, de Braga, Ernaut, Neighbors, Chowning, Bennett, Wendell Williams, Segerblom, Gibbons, Humke, Myrna Williams, Hettrick, Arberry, Sader, Tiffany, Marvel, Heller, Lambert, Porter, Gregory, Scherer, Collins, Schneider and Dini:

Assembly Concurrent Resolution No. 35—Establishing goals for the prevention of child abuse and neglect in Nevada and commending Nevada's Committee for the Protection of Children.

Assemblyman Evans moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 441—An Act relating to the city of North Las Vegas; authorizing the creation of a municipal library district; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 442—An Act relating to counties; requiring a county hiring or appointing a permanent resident of the United States to obtain certain documentation; requiring deputies of certain county officers to be at least 18 years of age; making various changes to the provisions governing the appointment and removal of a deputy of a county treasurer; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 443—An Act relating to the redevelopment of communities; authorizing a city council to include the mayor as a voting member when it declares itself the redevelopment agency; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Spitler:

Assembly Bill No. 444—An Act relating to controlled substances; creating the presumption of knowing use if a person possesses within his body a controlled substance or its metabolite; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Bennett, Anderson, Carpenter, Humke, Lambert, Chowning, Gibbons, Marvel, Myrna Williams, Haller, Ernaut, Evans, Freeman, Sader, Neighbors, Petrak, de Braga, Segerblom, Hettrick, Heller, Dini, Wendell Williams, Collins, Schneider, Gregory, Toomin, Perkins, Bonaventura, Augustine, Kenny, Garner, Bache, McGaughey, Spitler, Giunchigliani, Arberry, Regan, Price, Smith, Scherer and Tiffany:

Assembly Bill No. 445—An Act relating to earthquakes; providing for the creation of the earthquake safety council; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Bennett moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 446—An Act relating to controlled substances; requiring a court to collect the fee for the analysis of a controlled substance from certain defendants before or at the same time that any fine is collected; authorizing certain courts to use a portion of the fees collected for the administration of the court; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 447—An Act relating to fuel; exempting certain fuels from certain taxes; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption for the gross receipts from the sale, storage or use of vehicles propelled exclusively by certain fuels; contingently creating the same exemption from certain analogous taxes; requiring the state environmental commission to certify which fuels qualify for the exemptions; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Evans, Price, Spitler, Petrak, Lambert, Regan, Kenny, Arberry, Marvel, Chowning, Garner, Gregory and de Braga:

Assembly Bill No. 448—An Act relating to the business tax; revising the provisions governing the exemption from the tax for certain new businesses; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 105.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 102.

Amend section 1, page 1, by deleting lines 2 through 7 and inserting:

"281.4323 "Candidate" means any person [who seeks nomination or] :

1. Who files a declaration of candidacy;

2. Who files an acceptance of candidacy; or

3. Whose name appears on an official ballot at any election,

for election to any public office, including the office of justice of the supreme court, district judge, justice of the peace and municipal judge.".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 106.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 200.

Amend section 1, page 1, by deleting lines 3 through 12 and inserting:

"*1. The county clerk may appoint a pupil as a trainee for the position of election board officer. To qualify for such an appointment, the pupil must be:*

(a) A United States citizen, a resident of Nevada and a resident of the county in which he serves;

(b) Enrolled as a senior in high school;

(c) At the time of service, enrolled in or have completed a high school course in American government in accordance with NRS 389.020; and

(d) Performing at an academic level deemed acceptable by the principal of".

Amend section 1, page 1, line 26, after "*10 p.m.*" by inserting: "*or any applicable curfew, whichever is earlier.*

4. A trainee is entitled to receive compensation for his service at the same rate fixed for election board officers generally.".

Amend sec. 2, page 2, by deleting line 21 and inserting: "2. *The county clerk may*".

Amend sec. 5, page 2, line 42, by deleting the period and inserting: "*or serve as chairman of the election board.*".

Amend the title of the bill, first line, by deleting "of certain counties".

Amend the summary of the bill, first line, by deleting "in certain counties".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 293.
Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 7.
Resolution read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 8.
Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 65.
Bill read second time and ordered to third reading.

Senate Bill No. 77.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 198.
Amend sec. 2, page 2, line 2, by deleting "rules," and inserting "[rules,] *regulations,*".
Assemblyman Sader moved the adoption of the amendment.
Remarks by Assemblyman Sader.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 81.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 60.
Bill read third time.
Remarks by Assemblyman Scherer.
Roll call on Assembly Bill No. 60:
YEAS—40.
NAYS—None.
Absent—Carpenter, McGaughey—2.

Assembly Bill No. 60 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 103.
Bill read third time.
Remarks by Assemblyman Lambert.
Roll call on Assembly Bill No. 103:
YEAS—39.
NAYS—Arberry.
Absent—Carpenter, McGaughey—2.

Assembly Bill No. 103 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 8.
Resolution read third time.

Remarks by Assemblyman Hettrick.

Roll call on Senate Joint Resolution No. 8:

YEAS—40.

NAYS—None.

Absent—Carpenter, McGaughey—2.

Senate Joint Resolution No. 8 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 1, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 21.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 21.

Assemblyman Schneider moved the adoption of the resolution.

Remarks by Assemblymen Schneider and Porter.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Ernaut, Marvel, Hettrick, Heller, Gibbons, Anderson, McGaughey, Chowning, Neighbors, Carpenter, Lambert, Bache, Bennett, Regan, Price, Giunchigliani, Smith, Freeman, Garner, Arberry, Spitler, Perkins, Petrak, Augustine, Collins, Porter, Gregory, Evans, Haller, Segerblom, Humke, Toomin, Kenny and Schneider:

Assembly Bill No. 449—An Act relating to public investments; requiring the state treasurer to adopt regulations which he deems necessary to carry out his duties relating to public investments; authorizing the state treasurer to lend securities under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Ernaut, Marvel, Hettrick, Heller, Gibbons, Anderson, McGaughey, Chowning, Neighbors, Carpenter, Lambert, Bache, Regan, Price, Giunchigliani, Smith, Freeman, Garner, Arberry, Spitler, Perkins, Petrak, Augustine, Collins, Porter, Gregory, Evans, Haller, Segerblom, Humke, Scherer, Toomin, Kenny and Schneider:

Assembly Bill No. 450—An Act relating to the state treasurer; requiring the state treasurer to adopt regulations which he deems necessary to carry out his duties relating to the deposit of public money; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Ernaut, Heller, Tiffany, Price, Giunchigliani, Anderson, Bache, Lambert, Smith, Garner, Arberry, Spitler, de Braga, Regan, Perkins, Petrak, Bonaventura, Augustine, Collins, Bennett, Porter, Marvel, Gregory, Evans, McGaughey, Haller, Chowning, Segerblom, Humke, Scherer, Toomin, Gibbons, Kenny, Schneider and Hettrick:

Assembly Bill No. 451—An Act relating to the state treasurer; revising various statutory provisions relating to the state treasurer; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 52, 65; Senate Bills Nos. 73, 80; Senate Concurrent Resolution No. 20.

REMARKS FROM THE FLOOR

Assemblyman Anderson requested that Assemblyman Hettrick's remarks be entered in the Journal.

Thank you, Mr. Speaker. I rise today to address a lingering problem in this Honorable Assembly. You see, Mr. Speaker, there seems to be some doubt as to whether or not I qualify for the infamous Cowboy Caucus and Hall of Fame of this body. That doubt lingers despite the fact that I live in rural Douglas County; and despite the fact that I ran a ranch and feedlot some 30 years ago; and despite the fact that I owned and operated a company for some 20 years that manufactured supplements for horses and cattle; and, most importantly, despite the fact that I own 320 acres of scrubby sagebrush land in Elko County that is the poorest of any poor cattle ranches out there. So, I appear before you today, Mr. Speaker, appropriately on April Fool's Day, wearing my own cowboy hat, my own silver, custom made belt buckle, which I would be happy to show all of you close up as it is beautiful, and my cowboy boots which I won't bother to raise so you can see them. I offer the following cowboy poem which appears to be appropriate from the actions of Mr. Carpenter, whom I regret is not here today to really enjoy this and to see if I cannot satisfy the qualifications.

The cowboy is as proud a cuss
As ever you will meet,
And specially fastidious
About his dainty feet.
He figgers that they wasn't made
To walk upon a heap,
Like those of men that wield a spade
Or herd a bunch of sheep.
That's maybe why the high-heeled boot
He wears at work or play,
Sometimes will cost this proud galoot
Purt near a whole month's pay.

He'll short himself on trips to town,
And pass up payday pleasure
To lay a wad of money down
For new boots made-to-measure.
He'll have the tops dolled up a bit,
With fancy stitchin' in,
But mainly they have got to fit
His feet as tight as skin.
It's lucky he's a man of brawn,
Of rawhide strength and muscle,
For pullin' tight boots off and on
Takes plenty tug and tussle.
'Died with his boots on' is a phrase
That rings through western hist'ry,
But if you know the cowboy's ways,
That surely ain't no myst'ry,
They died with boots on, day or night—
I do not wish to scoff—
Because—sometimes—they were so tight
They could not git them off!

Thank you, Mr. Speaker.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bonaventura, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Debbie Primack and Mr. Marv Rubin.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Chris Harris.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Robert Combs and James Combs.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Todd Moore.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Barbara Johnson.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jeanette Friedman, Messrs. Ken Gragson and Clint Combs.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Roger Foster, Greg Hodges and Ms. Fafi Moore.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Masters Aaron Liggett, Austin Liggett, Mrs. Robin Liggett and Mr. Dave Liggett.

On request of Assemblyman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Wes Stephenson.

Assemblyman Porter moved that the Assembly adjourn until Friday, April 2, 1993 at 8 a.m.

Motion carried.

Assembly adjourned at 11:59 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 2, 1993

Assembly called to order at 8:15 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter, McGaughey, Neighbors, Myrna Williams and Wendell Williams, who were excused.

Prayer by the Chaplain, The Reverend David Camp.

Lord God, lift from our hearts all the discouragement, the cynicism and the distrust of one another that eat at the very foundation of our democracy and destroy our faith in the people who make up this great state of ours. May we have courageous leadership, based on faith and not on fear, leadership that goes out in front and is not forever running to catch up with a bandwagon. Lord, increase our faith to Your glory. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Joint Resolution No. 16, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Natural Resources, Agriculture and Mining, to which were referred Assembly Bills Nos. 110, 112, 113, 115, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Assembly Bills Nos. 117, 123, 132; Senate Bill No. 131, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 38, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 299, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 1, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 79, 145, 227, 263, 292, 320.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 18, 147, 306.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Heller, Gibbons, Smith, Perkins, Regan, Collins, Spitler, Petrak, Bennett, Arberry, Garner, Lambert, Bache, Tiffany, Anderson, Chowning, Evans, Haller, McGaughey, Gregory, Marvel, Porter, Price, Augustine, Wendell Williams, Bonaventura, Segerblom, Neighbors, Ernaut, Schneider and Myrna Williams:

Assembly Concurrent Resolution No. 36—Urging persons in charge of state buildings to display, until all missing persons are accounted for, the flag of the National League of Families of American Prisoners and Missing in Southeast Asia.

Assemblyman Heller moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen de Braga, Evans, Sader, Giunchigliani, Heller, Petrak, Perkins, Regan, Bonaventura, Collins, Wendell Williams, Price, Gregory, Marvel, Bennett, Garner, Freeman, Smith, Lambert, Bache, Haller, Tiffany, Humke, Toomin, Gibbons, Anderson, Chowning, Arberry, Spitler, Porter, Ernaut, Schneider, Segerblom, Myrna Williams and Scherer:

Assembly Bill No. 452—An Act relating to health care; requiring the testing of pregnant women for hepatitis; requiring the results of the tests to be reported to the department of human resources; requiring an infant to be administered vaccine for hepatitis under certain circumstances; requiring the state board of health to adopt regulations; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 18.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 79.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 145.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 147.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 227.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 263.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 292.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 306.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 320.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 36, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 345.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 362.

Bill read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 8, 90, 199, 279, 293; Assembly Joint Resolutions Nos. 7, 8; Senate Bills Nos. 65, 81 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Lambert moved that the Assembly recess subject to the call of the Chair for the purpose of hearing musical renditions by the Westergard Wildcats Elementary School Honor Chorus.

Motion carried.

Assembly in recess at 8:50 a.m.

ASSEMBLY IN SESSION

At 9:09 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 375, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 34.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Mirah Gustin.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Robert Stewart.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Blanche Zucker, May Shelton, Marilyn Ivey, Paula Ford, Joan Buchanan, Cathy Wilson, Sarah Longaker and Mr. Bob Cavakis.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Kathi Berreyesa and Pam Haggard.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Janet Sladwick and Christine Dilag.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Patty Dickens and

Maryann Kass and the following students from Westergard Wildcats Elementary School Chorus, Reno: Michelle Houk, Corey Johnston, Ryan Kass, Tami Tullock, Mariana Villacarta, Baru Guda, Sarah McDowell, Teresa Olson, G. T. Robertson, Megan Swark, Meghan Fitzgerald, Jennifer Hasner, Nicole Kritikos, Ruth Sousa, Bryan Steiger, Christopher Wrede, Alicia Archurra, Kendall Arschliminn, Josh Furmer, Richard Kelley, Lindsay Martindale, David Torres, Molly Griffin, Chris Suda, Kayla Sladwick, John Anglin, Christopher Atkinson, Beth Haggard, Stacey Stewart, Trisha Deleon, Rhea Dilag, Julia Strong, Mariah Gustin, Rebecca Hoynoski, Elizabeth Lummis, Karen Torres, Staci Clark, Andy Crow, Julie Kass, Megan Owens, Elizabeth Torres, Derek Berreyesa, Melissa Markee, Laura Ohran, Heather Walker, Nic Blanchard, Jon Miller, Robyn Vass, Monwei Kuo, Katie Olson, Jamie Tirslau, Michelle VanBeeKom, Eric Ferrar, Cindy Crow, Erin Schmidt, Ryan Aiazzi, Amy Blakestod, Pooja Chaudhery, Carrie Cher and Angie Kiley.

On request of Assemblyman Toomin, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Phyllis Hasner.

Assemblyman Porter moved that the Assembly adjourn until Monday, April 5, 1993 at 10:45 a.m.

Motion carried.

Assembly adjourned at 9:10 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 5, 1993

Assembly called to order at 10:49 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Marvin Dennis.

Lord, as we begin another week, we ask Your blessings upon those who work and serve in this assembly. Help each of us to realize we are Your chosen people. You have asked us in Your word to be people of compassion, kindness, humility, gentleness and patience. You have asked us to bear with each other and forgive one another as You have forgiven us. Above all, You have asked us to put on love, which binds all these virtues together in perfect unity. As we come together for this week, I pray that You will give to each one here the awareness of Your presence, strength, wisdom and love. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 253, 354; Senate Bill No. 172; Senate Joint Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was re-referred Assembly Bill No. 138, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 337, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Neighbors:

Assembly Bill No. 453—An Act making an appropriation to the Mineral County School District for the construction of a school on the Walker River Indian Reservation; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 454—An Act relating to public schools; revising the provision governing credit to be given for previous service to a teacher who changes employment from one school district to another; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 110.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 125.

Amend sec. 2, page 1, by deleting lines 8 through 19 and inserting: "porters of hazardous materials is hereby created.

2. The committee consists of:

(a) One member appointed by the director of the Nevada department of transportation;

(b) One member who represents the Nevada highway patrol division of the department of motor vehicles and public safety appointed by the director of the department;

(c) One member who represents the division of emergency management of the department of the military appointed by the director of the department;

(d) One member appointed by the public service commission of Nevada;

(e) One member appointed by the Nevada Association of Counties;

(f) One member appointed by the Nevada League of Cities; and

(g) One member who represents the trucking industry in this state appointed by the state emergency response commission.".

Amend the bill as a whole by deleting sections 6 and 7 and renumbering sections 8 and 9 as sections 6 and 7.

Amend the title of the bill, third line, by deleting: "making an appropriation;".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 112.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 131.

Amend section 1, page 1, by deleting lines 4 through 7 and inserting:

"2. During the course of the study, the state fire marshal shall collect the necessary information to compile a data base regarding the training level of paid and volunteer members of organized departments. The state fire marshal shall consult with the state emergency response commission, the chief officer of each organized fire department and each local emergency planning committee to determine the level of training concerning hazardous materials needed in each rural area of this state.".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 113.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 130.

Amend section 1, page 1, lines 4 through 7, by deleting: "*The mobile training team shall provide the training at a location within each fire protection district served by volunteer firemen. The mobile training team must consist of two instructors and one training officer.*".

Amend sec. 2, page 1, lines 16 through 19, by deleting: "The mobile training team shall provide the training at a location within each fire protection district served by volunteer firemen. The mobile training team must consist of two instructors and one training officer.".

Amend sec. 3, page 2, by deleting lines 13 through 21 and inserting:

"(b) "Hazardous materials specialist" has the meaning ascribed to it in 29 C.F.R. § 1910.120.

(c) "Hazardous materials technician" has the meaning ascribed to it in 29 C.F.R. § 1910.120.

(d) "On scene incident commander" has the meaning ascribed to it in 29 C.F.R. § 1910.120.".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 115.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 129.

Amend sec. 5, page 2, by deleting lines 10 and 11 and inserting:

"*1. In the case of one furnishing advice or assistance, he is qualified by training, education or experience in the handling of hazardous materials and provides advice or assistance within the area of his qualifications; and*".

Amend sec. 5, page 2, by deleting lines 27 through 30 and inserting:

"*(i) A local agency for law enforcement.*".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Judiciary.

Assembly Bill No. 117.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 126.

Amend section 1, page 1, by deleting lines 5 through 7 and inserting:

"*(b) The standardization of forms for reporting information relating to hazardous materials; and*

(c) The adoption of regulations necessary to carry out the provisions of paragraphs (a) and (b),".

Amend section 1, page 1, line 21, by deleting "*waste*" and inserting "*materials*".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 123.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 124.

Amend sec.12, page 2, by deleting lines 18 through 21 and inserting: "*of such a permit unless it determines that the carrier transporting the waste complies and will continue to comply with all laws and regulations of*".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 132.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 203.

Amend section 1, page 2, line 10, by deleting "25" and inserting "[25] *17.5*".

Amend section 1, page 2, line 12, by deleting "*$25,000*" and inserting "*$17,500*".

Assemblyman Smith moved the adoption of the amendment.

Remarks by Assemblyman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 299.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 375.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 16.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 36.

Bill read second time and ordered to third reading.

Senate Bill No. 38.

Bill read second time and ordered to third reading.

Senate Bill No. 131.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 209.

Amend section 1, page 1, line 5, by deleting "*hunt,*".

Amend section 1, page 1, by deleting line 6 and inserting: "*shoot, trap, catch, wound, possess, collect, seine, snare*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Scherer, Chowning, Anderson, Tiffany, Bache, Lambert, Smith, Garner, Spitler, Arberry, Price, Collins, de Braga, Regan, Perkins, Heller, Petrak, Hettrick, Bonaventura, Augustine, Ernaut, Giunchigliani, Wendell Williams, Marvel, Gregory, Bennett, Gibbons, Haller, Humke, Porter, Segerblom and Schneider:

Assembly Bill No. 455—An Act relating to liens; establishing a procedure for the removal by a county recorder of a lien which has been filed by mistake; and providing other matters properly relating thereto.

Assemblyman Scherer moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Scherer, Chowning, Anderson, Tiffany, Lambert, Smith, Bache, Freeman, Price, Regan, Petrak, Hettrick, Bonaventura, Augustine, Ernaut, Collins, Marvel, Gregory, Gibbons, Haller, Humke, de Braga, Segerblom, Schneider, Giunchigliani, Dini and Spitler:

Assembly Bill No. 456—An Act relating to the business tax; providing a flat rate for the calculation of the amount of tax due; removing the limitation upon the total tax payable; adjusting the dates on which the tax is due; and providing other matters properly relating thereto.

Assemblyman Scherer moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Scherer, Marvel, Gregory, Spitler, Chowning, Freeman, Garner, Arberry, Bennett, Anderson, Gibbons, Haller, Humke, Bache, Collins, Augustine, de Braga, Regan, Perkins, Petrak, Hettrick, Bonaventura, Segerblom, Schneider, Giunchigliani, Dini and Lambert:

Assembly Bill No. 457—An Act relating to traffic laws; allowing a person who is required to attend an educational course for driving under the influence of alcohol to attend any school approved by the department of motor vehicles and public safety; and providing other matters properly relating thereto.

Assemblyman Scherer moved that the bill be referred to the Committee on Transportation.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 8.

Bill read third time.

Remarks by Assemblymen Freeman, Kenny and Anderson.

Roll call on Assembly Bill No. 8:

YEAS—42.

NAYS—None.

Assembly Bill No. 8 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 90.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Assembly Bill No. 90:

YEAS—42.

NAYS—None.

Assembly Bill No. 90 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 105.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Assembly Bill No. 105:

YEAS—42.

NAYS—None.

Assembly Bill No. 105 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 106.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Assembly Bill No. 106:

YEAS—42.

NAYS—None.

Assembly Bill No. 106 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 199.

Bill read third time.

Remarks by Assemblymen Gregory, Price, Sader, Humke, Freeman and Smith.

Assemblyman Sader requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GREGORY:

Thank you, Mr. Speaker. Your Judiciary Committee worked very hard on this piece of legislation. They heard extensive hearings in joint committee with the Senate, both in Las Vegas and here in Carson. I would like to commend all of them for their hard work. In addition, you should know that the Trial Lawyers Association and District Attorneys from around the state worked hard on the legislation to ensure that this bill would be constitutional.

I was lucky enough to have my stalking bill come out. There were many in here, during the last campaign, who worked hard on this issue and worked with their constituents. Many of you came to me and told me about constituents you had worked with. Mr. Price had a stalking bill. I know Mr. Garner worked on a stalking bill and there were others. There are a lot of people in this chamber, and both houses, that deserve a lot of credit for this. I believe it is a piece of legislation that is long overdue and urge passage. Thank you, Mr. Speaker.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I repeat congratulations to the committee because the committee had worked very hard on this whole subject matter. I am very pleased to see it as a lot of our members have moved over to the Senate. I am sure it will have the same results there.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. I have a short statement to make for the record clarifying legislative intent of the Judiciary Committee, interpreting the language that exists on lines 11 through 14 on page 2 of the first reprint. This language defines "without lawful authority" which is a portion of the definition of the crime which would be stalking without lawful authority and that definition, and I am quoting, "includes acts which are initiated or continued without the victim's consent and acts which are not otherwise authorized by specific constitutional or statutory law, regulation or order of the court of competent jurisdiction."

We heard quite a bit of testimony on the potential abuses of this law with an expansive definition. The term "without lawful authority," is meant to encompass the concerns of the people who testified and others who do have lawful authority for what they are doing. In that category would be such people as process servers, those who repossess vehicles, private investigators and most particularly the press. When we say, "not authorized by

specific constitutional or statutory law," we are excluding people and we intend to exclude people from the definition of stalking who have a profession or duty or a right to be doing what they are doing because the law permits it with lawful authority.

This business of the press is perhaps most important. Abuses have occurred in the past where members of the press were arrested when they were trying to do their job to gather the news or to report. The Constitution protects this activity, and we mean to include that in the term, "not otherwise authorized by a specific constitutional or statutory law." That includes protecting the press and their rightful authority to seek the news and to speak or follow people or attempt to acquire information from individuals in their lawful pursuit of their first amendment rights.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise in support of this bill. I, too, had a stalking bill that was in the process of being drafted at the request of a constituent. I think it is a much needed area and I would commend the Judiciary Committee for the hard work they have put in on this bill. I hope it withstands court challenges. I think that they have worked enough that it should be able to, but I do have a question of either the chairman or the chief sponsor. That question has to do with page 2, lines 5 and 6. My area of concern is with the last few words on line 6, "or any other labor dispute." I am concerned about how narrowly drawn that is because a citizen visited me and stated that they had a stalking situation which came about as a result of an employment situation gone sour. Since this person did not wish to testify for obvious fear, that is about all I can say. I am curious as to whether this last phrase has to do with organized labor disputes or with more standard disputes, hirings and firings and that sort of thing. Thank you.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. To you and through you to our representative from District No. 26, that is a real good question and one that perhaps needs some further explanation. This term as it is defined relates only to picketing, picketing which occurs during a strike, work stoppage or any other labor dispute. Now in relation to picketing activities, often times there are what is called informational picketing, which may not be defined or at least some could define it as not a full scale labor dispute. However, it is included in picketing activity, but only picketing activity.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I didn't have a bill on this issue but I wish that I had. I wanted to thank the sponsor of the bill and the committee for their hard work. I, myself, have been stalked. Thank you.

ASSEMBLYMAN SMITH:

Thank you, Mr. Speaker. I rise in support of Assembly Bill No. 199. I had the misfortune or the privilege of hearing the testimony on it and it was really horrible. There are no words to describe the victims that came before us and sat there trembling, and I mean are reduced to nothing but trembling in their daily lives. There was concern, I think on all the victims part, of the depth that we take this issue. I am sure for those victims that there is no legislation strong enough for the perpetrators of this crime. However, we now have a mechanism with which to prosecute these people. There is a definition on the books and we have a means with which to go after these people. I am very grateful for that. I urge you to support it.

Roll call on Assembly Bill No. 199:

YEAS—42.

NAYS—None.

Assembly Bill No. 199 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wendell Williams moved that Senate Bill No. 65 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Wendell Williams.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 279.

Bill read third time.

Remarks by Assemblyman Regan.

Roll call on Assembly Bill No. 279:

YEAS—42.

NAYS—None.

Assembly Bill No. 279 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 293.

Bill read third time.

Remarks by Assemblymen Schneider and Scherer.

Roll call on Assembly Bill No. 293:

YEAS—40.

NAYS—None.

Not voting—Regan, Mr. Speaker—2.

Assembly Bill No. 293 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 345.

Bill read third time.

Remarks by Assemblyman Petrak.

Roll call on Assembly Bill No. 345:

YEAS—41.

NAYS—Porter.

Assembly Bill No. 345 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 362.

Bill read third time.

Remarks by Assemblyman Smith.

Roll call on Assembly Bill No. 362:

YEAS—40.

NAYS—Porter.

Not voting—Perkins.

Assembly Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 7.
Resolution read third time.
Remarks by Assemblymen Petrak and Segerblom.
Roll call on Assembly Joint Resolution No. 7:
YEAS—42.
NAYS—None.

Assembly Joint Resolution No. 7 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 8.
Resolution read third time.
Remarks by Assemblyman Bache.
Roll call on Assembly Joint Resolution No. 8:
YEAS—42.
NAYS—None.

Assembly Joint Resolution No. 8 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Bill No. 77.
Bill read third time.
Remarks by Assemblyman Smith.
Roll call on Senate Bill No. 77:
YEAS—42.
NAYS—None.

Senate Bill No. 77 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 81.
Bill read third time.
Remarks by Assemblyman Augustine.
Roll call on Senate Bill No. 81:
YEAS—41.
NAYS—Bonaventura.

Senate Bill No. 81 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 11:51 a.m.

ASSEMBLY IN SESSION

At 12:01 p.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 458—An Act relating to taxation; providing an exemption for Indian reservations and Indian colonies from the imposition of certain taxes on motor vehicle fuel and special fuel under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 21; Senate Joint Resolution No. 8.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Loretta Gibbs.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Daria Esposito.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Julia Kohltfarber, Mr. J. J. Preston and the following students from Reno Junior Academy, Reno: Brenna Anspach, Aleah Carstairs, Mandi Cherry, Jeremy DeBard, Natasha Denton, Marcus Dupree, Ryan Gepford, Heather Hamilton, Erin Kaltenbrun, Justin Knapp, Rick Kohltfarber, Matthew Lane, Michael Mesbah, John Mortenson, Christopher Parsons, Mason Schubert, Michael Stocke, Andre Chavez, Amee Hamilton, Chad Halvorsen, Jason Knapp, Allison Sowell and Shane Tacket.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Cecelia Lampley.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. James Hobby, Ms. Anita Collins and members of the Walker River Paiute Tribe.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Stacey Martin, Jordan Martin, Stephanie Hale and Megan Hale.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, April 6, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:07 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 6, 1993

Assembly called to order at 11:10 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Marvin Dennis.

Lord, we again thank You for those who have been elected by the people of this state to serve in this assembly. We pray for them here in these chambers as they assemble, but also throughout the week. We thank them for the hard work they do for us and the many sacrifices they make that most are not aware of. We think of the many miles they travel and the many hours they spend away from their families and homes to give to us a better state in which to live. Reward them, I pray. May the God of hope fill them with joy and peace as they trust in You, so that they may overflow with hope by the power of the Holy Spirit.

Give to each of them wisdom beyond their own understanding and in all their ways may they acknowledge You as their own personal Lord God. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 297, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 47, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 230, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 5, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 12, 67, 81, 82, 85, 101, 133, 137, 142.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 95, 267, 279, 314.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 50, 117, 157.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 12.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 12:

Assemblyman Porter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Gibbons (by request):

Assembly Bill No. 459—An Act relating to health care records; expanding the definition of "health care records" to include records produced by a computer; and providing other matters properly relating thereto.

Assemblyman Gibbons moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblyman Gibbons (by request):

Assembly Bill No. 460—An Act relating to indigent persons; requiring the establishment of a level signifying poverty for this state based on the federally designated level signifying poverty; requiring counties to use the level established in determining the eligibility of indigent persons for financial and medical assistance; and providing other matters properly relating thereto.

Assemblyman Gibbons moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Gibbons:

Assembly Bill No. 461—An Act relating to water; providing for the protection of domestic wells from impairment for other uses and for the redress of impairment if it occurs; and providing other matters properly relating thereto.

Assemblyman Gibbons moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Smith, Kenny, Anderson, Collins, Petrak, Arberry, Regan, Wendell Williams, Segerblom, de Braga, Neighbors, Ernaut, Heller, Gibbons, Freeman, Garner, Lambert, Tiffany, Evans, McGaughey, Porter, Schneider, Carpenter, Bache, Chowning, Haller, Giunchigliani, Toomin, Gregory, Bennett, Price, Augustine, Bonaventura, Hettrick, Marvel, Sader, Humke and Myrna Williams:

Assembly Bill No. 462—An Act relating to mobile telephone service; prohibiting certain conduct; providing penalties; requiring suppliers to provide free access to numbers used in emergencies; and providing other matters properly relating thereto.

Assemblyman Smith moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 463—An Act relating to the abuse of alcohol and drugs; expanding the circumstances under which an alcoholic or a drug addict convicted of a crime is eligible to elect treatment for the abuse of alcohol or drugs before sentencing; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 464—An Act relating to crimes; prohibiting the harboring of children who run away from home; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 465—An Act relating to extradition; requiring a person who is convicted of a crime for which he was extradited to this state to pay the expenses relating to his extradition; authorizing the attorney general to adopt regulations relating to the payment of the expenses of extradition; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 50.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 95.

Assemblyman Porter moved that the bill be referred to the Concurrent Committees on Government Affairs and Transportation.

Motion carried.

Senate Bill No. 117.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 157.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 267.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 279.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 314.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 138.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 188.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

"Section 1. Chapter 484 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"School crossing zone" means those sections of streets not adjacent to school property that pupils cross while following a designated walking route to school.*

Sec. 3. *"School zone" means those sections of streets which are adjacent to school property.*

Sec. 4. NRS 484.013 is hereby amended to read as follows:

484.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484.0135 to 484.217, inclusive, *and sections 2 and 3 of this act* have the meanings ascribed to them in those sections.

Sec. 5. NRS 484.366 is hereby amended to read as follows:

484.366 1. A person shall not drive a motor vehicle at a speed in excess of 15 miles per hour in an area designated as a school zone except [on] *:*

(a) On a day on which [or during the hours when] school is not in session [.] *;*

(b) During the hours when school is not in operation; or

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class.

2. *A person shall not drive a motor vehicle at a speed in excess of 25 miles per hour in an area designated as a school crossing zone except:*

(a) On a day on which school is not in session;

(b) During the hours when school is not in operation; or

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class.

3. The governing body of a local government or the department of transportation shall designate school *zones and school crossing* zones. An area must not be designated as a school zone if imposing a speed limit of 15 miles per hour would be unsafe because of higher speed limits in adjoining areas.

[3.] *4.* Each such governing body and the department shall provide signs [for] *to mark the beginning and end of* each school zone *and school crossing zone* which it respectively designates.

5. As used in this section, "speed limit beacon" means a device which is used in conjunction with a sign and equipped with two or more yellow lights that flash alternately to indicate when the speed limit in a school zone or school crossing zone is in effect.

Sec. 6. NRS 484.3665 is hereby amended to read as follows:

484.3665 1. Each permanent sign which designates a school zone *or school crossing zone* and the speed limit in that zone must [be uniform in] *:*

(a) Meet or exceed all applicable federal standards regarding size and color *;* and [must clearly]

(b) Clearly designate the hours during which the speed limit applies.

If the regularly posted speed limit on the street is 30 miles per hour or more, each such permanent sign in a county whose population is 400,000 or more must be 3 feet by 4 feet in size.

2. Each portable sign designating a school zone *or school crossing zone* and the speed limit in the zone must be uniform in size and color. A portable sign may be placed beside a roadway only during those hours when pupils are arriving at and leaving regularly scheduled school sessions.

3. This section does not prohibit the use of automatic traffic-control devices in school zones *or school crossing zones* in lieu of permanent or portable signs.

Sec. 7. NRS 268.425 is hereby amended to read as follows:

268.425 The city council or other governing body of each incorporated city, whether incorporated by general or special act, shall cause to be displayed, in each school zone *and school crossing zone* where the city has posted a speed limit, signs *or other devices* designating the hours of the day or night or both during which the [school zone] speed limit *in the zone* is to apply.

Sec. 8. NRS 269.185 is hereby amended to read as follows:

269.185 1. In addition to the powers and jurisdiction conferred upon the town boards or boards of county commissioners by this chapter, such boards [shall have the power:

(a) To regulate] *may:*

(a) Regulate traffic upon the streets and alleys of towns or cities governed by such boards pursuant to this chapter.

(b) [To regulate] *Regulate* the speed, parking, stopping, turning and operation of all motor vehicles and other vehicles using the streets and alleys.

(c) [To pass] *Pass* and adopt all ordinances, rules and regulations, and do and perform all acts and things necessary for the execution of the powers and jurisdiction *conferred* by this section . [conferred.]

2. The town board or board of county commissioners shall cause to be displayed, in each school zone *and school crossing zone* where the county has posted a speed limit, signs *or other devices* designating the hours of the day or night or both during which the [school zone] speed limit *in the zone* is to apply.

Sec. 9. 1. This act becomes effective on July 1, 1993.

2. Notwithstanding the amendatory provisions of section 6 of this act, each local government and the department of transportation, as applicable, shall replace any nonconforming existing sign with a conforming sign on or before July 1, 1994.".

Amend the title of the bill to read as follows:

"An Act relating to traffic laws; revising the provisions regarding speed limits in school zones and school crossing zones; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions regarding speed limits in school zones and school crossing zones. (BDR 43-1035)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 253.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 337.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 236.

Amend section 1, page 1, line 3, by deleting "*and 533.345,*" and inserting: "*, 533.345 and 533.425,*".

Amend sec. 2, page 1, line 14, by deleting "and 533.345" and inserting: ", 533.345 and 533.425".

Amend sec. 2, page 1, by deleting lines 19 and 20 and inserting: "neer pursuant to NRS 533.325, 533.345 or 533.425 before the effective date of this act for a change of the place of diversion, manner of use or place of use of water already appropriated if the change is consistent with the interpretation of that term now codified in section 1 of this act."

Amend sec. 3, page 2, by deleting lines 1 and 2 and inserting:

"Sec. 3. This act becomes effective upon passage and approval, and, to the extent that it ratifies previous decisions of the state engineer in the manner described in section 2 of this act, applies retrospectively as well as prospectively.".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 354.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 172.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 11.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 299.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Bill No. 299:

YEAS—42.

NAYS—None.

Assembly Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 375.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 375:

YEAS—42.

NAYS—None.

Assembly Bill No. 375 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 16.

Resolution read third time.

Remarks by Assemblyman Augustine.

Roll call on Assembly Joint Resolution No. 16:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 16 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wendell Williams moved that Senate Bill No. 65 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Wendell Williams.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 36.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 36:

YEAS—42.

NAYS—None.

Senate Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 38.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Senate Bill No. 38:

YEAS—42.

NAYS—None.

Senate Bill No. 38 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 65.

Bill read third time.

Remarks by Assemblymen Segerblom, Giunchigliani, Smith and Wendell Williams.

Roll call on Senate Bill No. 65:

YEAS—42.

NAYS—None.

Senate Bill No. 65 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Giunchigliani moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:41 a.m.

ASSEMBLY IN SESSION

At 11:47 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 466—An Act relating to industrial insurance; establishing a preferred employee program for the rehabilitation of injured employees; providing for the funding of the program through the subsequent injury fund; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 467—An Act relating to cosmetology; revising various requirements for licenses issued by the state board of cosmetology; revising various requirements for cosmetological establishments; eliminating the requirement that a cosmetological establishment be under the immediate supervision of a licensed cosmetologist; eliminating the provision which prohibits a licensed cosmetological establishment from engaging primarily in the business of cutting men's hair; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. John Nicholas, David Erickson, Tom Sanford, Mss. Jan Erickson, Janice Morgan, Tami Grady, Joan Kilby, June Kraus and the following students from Yerington Intermediate School, Yerington: Valerie Abilla, Margaret Anderson, Effrain Arellano, Sandy Baumback, Gilberto Berumen, Staci Billmeyer, Charles Booth, Leslie Brethauer, Renee Cesspooch, Cassie Chidwick, David Chism, Zachariah Chitwood, Tabitha Christian, David Conley, Jessica Cooper, Everado Corona, Joseph Correia, Gina Dini, Joshua Dini, Mark Dodge, Dylan Duncan-Wright, Emmuel Emm, Clinton England, Heather Fawcett, Mark Fernandez, Kelly Frade, Janelle Galvin, Adam Gibbs, Jeri Goodyear, Anna Gutierrez, Donald Harris, Eleasar Hernandez, Ricardo Hernandez, Benjamin Hubmer, Martha Hurtado, Shane Joyner, Sarah Kilby, Jason Knight, Anika Laubacher, CodieRae Lemons, April Lippert, Jim Lopez, James Marble, Lisa Martinez, Monica Martinez, Robin Martinez, Casey McMullen, Kristie Menesini, Elizabeth Minter, Catherine Mollart, Armando Montes, William Norris, II, Steven O'Brien, Travis Owen, Genovevo Pacheco, Ruby Paine, Cheryl Park, Brianna Parrott, Evan Pellegrini, Kristen Pierce, Joshua Post, Brandon Proctor, Daniel Provencio, Joseph Pursel, Melissa Ramirez, Ruben Ramirez, Anita Raya, Lisa Roach, Maggie Rodriguez, Rigobert Rodriguez, Vanessa Roman, Christina Ross, Enrique Saldana, Guadalupe Saldana, Amanda Sam, Robyn Sanford, Mitzi Saunders, Casey Skroch, Cariann Smith, Trevor Smith, Audrey Snyder, Richard Stanley, Tye Stromer, Charlotte Thompson, Leanne Tibbals, Leslie

Tibbals, Otoniel Torres, Laura Tracy-Emens, Justin Warner, Tanya Webb, Justin Wilkison, Lucas Williams, Tad Williams, Alissa Williamson, Johnathan Wilson, JoDee Windholz and Christopher Wright.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jack Shroeder.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Philippe Bishop.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Elaine Steiner.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Barbara Cegavske.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, April 7, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 11:53 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE EIGHTIETH DAY

CARSON CITY (Wednesday), April 7, 1993

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Marvin Dennis.

Precious Lord, we are thankful today for the honor to stand before these outstanding people who have laid aside their work to do the work of this state. We thank You for the bold, yet gentle way they do their work, speak their opinions and beliefs, and vote their convictions after study and work in research and committee. Thank You that they are willing to listen and understand the needs of this state, and when necessary, speak to the tough and sensitive issues. I ask Your special anointing to be upon each of them. In the name of my Lord and Saviour, I pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bill No. 232; Senate Joint Resolutions Nos. 13, 14, 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 291, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 6, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 169, 173, 174, 182.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 68, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 130.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 21 of the 66th Session.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 21 of the 66th Session:

Assemblyman Porter moved that the resolution be referred to the Committee on Taxation.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 130.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing musical renditions by the O'Brien Middle School Choir.

Assembly in recess at 11:11 a.m.

ASSEMBLY IN SESSION

At 11:25 a.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 230.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 225.

Amend section 1, page 1, by deleting lines 1 through 8 and inserting:

"Section 1. NRS 463.0161 is hereby amended to read as follows:

463.0161 1. "Gross revenue" means the total of all:

(a) Cash received as winnings;

(b) Cash received in payment for credit extended by a licensee to a patron for purposes of gaming; and

(c) Compensation received for conducting any game in which the licensee is not party to a wager,

less the total of all cash paid out as losses to patrons, those amounts paid to purchase annuities to fund losses paid to patrons over several years by independent financial institutions and any other items made deductible as losses by NRS 463.3715. For the purposes of this section, cash or the value of noncash prizes awarded to patrons in a contest or tournament are not losses.

2. The term does not include:

(a) Counterfeit money or tokens;

(b) Coins of other countries which are received in gaming devices;

(c) Cash taken in fraudulent acts perpetrated against a licensee for which the licensee is not reimbursed; [or]

(d) Cash received as entry fees for contests or tournaments in which patrons compete for prizes [.] *; or*

(e) Uncollected baccarat commissions.

3. As used in this section, "baccarat commission" means a fee assessed by a licensee on cash paid out as a loss to a patron at baccarat to modify the odds of the game.".

Amend the title of the bill, second line, by deleting "included in" and inserting "excluded from".

Amend the summary of the bill to read as follows:

"Summary—Provides that gross revenue of gaming licensee does not include uncollected baccarat commissions. (BDR 41-1403)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 297.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 223.

Amend sec. 3, page 2, line 43, after "*licensees,*" by inserting: "*nonprofit corporation that represents licensees,*".

Amend the title of the bill, third line, after "licensees" by inserting: "or a nonprofit corporation that represents licensees".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 47.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 211.

Amend section 1, page 1, line 11, by deleting "chief" and inserting: "[chief] *:*

(a) Person designated for this purpose by the board of trustees of the school district; and

(b) Chief".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 117.

Bill read third time.

Remarks by Assemblyman Schneider.

Roll call on Assembly Bill No. 117:

YEAS—42.

NAYS—None.

Assembly Bill No. 117 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 123.

Bill read third time.

Remarks by Assemblymen Bache, Anderson, Freeman and Sader.

Assemblyman Anderson moved that Assembly Bill No. 123 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assembly Bill No. 132.

Bill read third time.

Remarks by Assemblyman Smith.

Conflict of interest declared by Assemblyman Smith.

Roll call on Assembly Bill No. 132:

YEAS—42.

NAYS—None.

Assembly Bill No. 132 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 253.

Bill read third time.

Remarks by Assemblymen Ernaut, Giunchigliani, Gibbons, Price, Garner, Augustine, Anderson and Spitler.

Conflicts of interest declared by Assemblymen Gibbons and Price.

Assemblyman Giunchigliani requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. To you and through you, Mr. Speaker, there has been quite a bit of misunderstanding and confusion on this bill. Opponents have said that in some way Assembly Bill No. 253 erodes the sovereignty of states' rights in general and Nevada's rights of control specifically. To allay those fears, I would say this bill merely allows the National Guard to participate in multistate law enforcement projects, not facilitate them. That is exemplified by some of the testimony given in the Government Affairs Committee by Major Comstock of the Nevada National Guard. He said, "We are not in competition with any law enforcement agency" and this is speaking of the Nevada National Guard. "Our entire guideline is based on the concept of support. A bona fide drug law enforcement agency comes to us and asks us for support. In coordination with the Nevada Department of Investigations, we provide things that they would not ordinarily have, soldiers, weapons, sophisticated night vision systems, and so forth. We provide them with training, but never act independently. We do not arrest people. We do not seize confis-

cated equipment or contraband. We do not transport prisoners unless there is a law enforcement agent with us, and we would never initiate a law enforcement agent with us, and we would never initiate a mission. I am prohibited from doing anything which even looks like that. We're simply there to support bona fide agents."

A.B. 253 does not erode our government or sovereignty of this state. It merely acts as another tool available in the aggressive and ongoing war against drugs. Thank you.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. To you and through you to the previous speaker. I received some of the calls. I just wanted to clarify one other question that had been raised because I think your other ordinance specified it. There was something about the Governor's delegating his authority to call up the National Guard. If I look at this I think article 5 cleans that up, but there is no effect on that.

ASSEMBLYMAN ERNAUT:

To you and through you, Mr. Speaker. Basically the Governor does not lose control merely because the National Guard soldiers in their duty are in another state. They come under control of the other Governor for that period of which they are in that state. It has to be initiated from the Governor. It has to be asked for by another law enforcement agency. It is still implemented through the Governor's office.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. Perhaps we could have the remarks entered in the Journal so that they are clear as to what the intent of this legislation was.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. First of all I wish to rise to give notice that I am a member of the National Guard but this does not in any way affect me any differently than any other member of the National Guard and, as such, I will be voting for this measure.

By way of explanation, Mr. Speaker, I would also like to add what we do in the National Guard when there is a request from a federal agency such as the Department of Drug Enforcement is to coordinate our effort using the resources and aircraft of the Air National Guard to go out, and, for example, fly to California to photograph what may be an area of illegal drug growth in the State of California. We use those resources to provide that asset to them, and as such, this is necessary to coordinate that effort with the California law enforcement agencies who may then later on interdict that growth of marijuana or whatever it may be in California or wherever it is in any other state. We do have a vast arrangement with many other states right now to where we provide the resource of our National Guard for that purpose. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I guess for the record, I am never sure if I have a conflict but my wife is a member of the Air National Guard. I will be voting on this but I still haven't decided how.

I have to admit I have some concerns about this. My colleague from Carson City, what the Guard will not be doing, and my colleague from Reno indicated some of the things the Air Guard has provided which makes me wonder why a compact is needed. For example, if we already have the ability to do flights in California or other states using the expertise that our Air Guard has and the equipment, which we heard in Ways and Means maybe the last of the units that are actually performing that type of service, I would like to know what are they going to do physically? The National Guard has always been called out, I guess, for national or state emergencies, occasionally on riots, floods and so forth. We know that there have been some unfortunate things happen that were very high profile and I am going back thinking to that one regretful time when students at the University of Ohio were killed during riots, were shot by guard members. They are not peace officers, I don't think, although, the oath that they take to uphold the laws in the Constitution is similar to our officers. I would like to know exactly what are they going to do if they are going to, for example, provide backup for a drug bust; why wouldn't they become involved in shooting incidences or would they have the power to arrest, and the peace officer then comes to mind.

I am not too sure on the transitory language at the beginning of the bill. I presume it is transitory, article 1, where it talks about purpose. It says on lines 11 and 12, "Drug interdiction," that I understand. "Counter-drug and demand reduction activities," I am not sure what demand reduction activities means.

ASSEMBLYMAN GARNER:

Thank you, Mr. Speaker. To my colleague from Assembly District 17, there is probably no way I can answer all the questions that you raised concerning this bill. I can tell you, first of all, with one question you raised is the one concerning whether the National Guard is already doing some of this kind of thing, and they are, which brings us to the position where we are today. They are saying that they need this law in order to legalize what they have been doing and enter into a compact with Arizona, California and other states who may want to enter into this compact and provide resources to each other, in trying to reduce the availability of drugs and all the activities surrounding that. There was no opposition to this bill in committee and it passed out of our committee with unanimous support. I don't believe it takes anything away from the Governor in the terms of his ability to participate in this program. I believe it is an added resource and capability provided to law enforcement upon the invitation only of law enforcement to bring them into these activities. To reiterate again, it doesn't give arrest or confiscation powers or anything like that at all. This is a program that the Governor wants and supports in his battle against drug abuse. It will provide to the State of Nevada a rather large array of very sophisticated equipment that can be used for this purpose. Some of the money that comes to the National Guard is used in our DARE program. To my colleague from Assembly District 17, I just don't see anywhere in here that there is a problem. I know that concern has been raised that it is a national police force. I think there are protections in the law that answers those concerns.

When you talk about the first section of the bill that said, "NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2, 3 and 4," I think what they are really saying is that this is a law they need, they don't have on the books and it will assist in the counter-drug activities that go on in this state. Thank you.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. To you and through you to my colleague from District 17. One specific question he raised on demand reduction. I think you will find the definition of that in a policy or administrative statement. Demand reduction speaks to supply and demand as the demand for drugs. It has nothing to do with the reduction of crowds or anything like that. It is supply and demand.

ASSEMBLYMAN AUGUSTINE:

Thank you, Mr. Speaker. To you and through you to Mr. Gibbons. I voted for this bill in committee and now we have had several questions that have been raised regarding the sovereignty of the state. I know Ms. Giunchigliani asked a question of Mr. Ernaut regarding the same thing but it didn't seem to quite clarify it. Once our National Guard has left the State of Nevada, they are no longer under the jurisdiction of Governor Miller. Would they in fact be under the jurisdiction of the governor of California or Arizona or wherever they are going or do they come under the jurisdiction of the federal government?

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. To you and through you to my colleague from District 12, the issue is one of jurisdiction whenever a request for the service of the state militia is used out of state. Under federal statute, if the Guard is called up for an act that the President wishes, then it comes under the federal jurisdiction and he has plenary authority. The problem we have here today is when an agency of another state wants to utilize the resources and services that are provided by or in the possession of say the Nevada Guard for a California event. In that situation, it is my understanding and I could be wrong, but the Guard resources that are used in California still remain under the resource demand of the Governor of the State of Nevada. They do not transfer at that point to the Governor of California, if that is the example. To answer the other question, the Governor still has the authority to call them up in any time of crisis or emergency. It would be my understanding that one of jurisdiction in this matter remains with the state unless those assets are in fact

transferred by some official act of the Governor to that state then they would become a part of that governor's responsibility. In most of these cases it is merely a transitory training event wherein we have used a joint compact to effect the ability to take those Guard resources and jointly use them on some drug interdiction case. They still remain under the jurisdiction of the state and the governor under which they are domiciled, if that is the word you want to use. Did that answer your question?

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Chairman. In part to support Mr. Gibbons' contention, I might point out to my distinguished colleague from the south that the Nevada National Guard traditionally trains out of the state since there are very few facilities within this state that provides them the opportunity to conduct their summer or two-week training exercises within the State of Nevada.

As a former member of the Nevada National Guard, I can well testify to the fact that the jurisdiction of the Governor of the State of Nevada does indeed extend beyond this state. His jurisdiction goes with the National Guard wherever it happens to be. The Air National Guard of this state travels extensively throughout the world carrying out its mission and duties and the jurisdiction of the Governor is extended to those training exercises there. I think that this particular piece of legislation does bring forth some questions about sovereignty but one that in the current confinement of our society is well needed. I rise in support of this meritorious piece of legislation.

ASSEMBLYMAN SPITLER:

Thank you, Mr. Speaker. To you and through you to the Chairman of Government Affairs, when the troops are in another jurisdiction who absorbs the cost of those troops being in either California or Arizona when they are on assignment?

ASSEMBLYMAN GARNER:

Thank you, Mr. Speaker. To my colleague from Assembly District 41, it is my understanding that these costs are costs that the State of Nevada has already agreed to. There are no additional costs to the State of Nevada for their participation in these programs.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. If I may, to you and through you, add a supplement to what my colleague from the south has just added with regard to cost. Let me state that often times there is a requirement for additional support from one of these states. At that point in time, the state requesting the Guard unit would provide or make allowance for payment for those services if they are indeed in addition to those that have already been agreed upon and settled by the state having control over that unit. For example, if the DEA agency wants the Air National Guard of Nevada to undergo a mission that is not within our normal activities they provide the additional funds to pay for that.

Assemblymen Porter, Bennett and Wendell Williams moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 253.

Roll call on Assembly Bill No. 253:

YEAS—38.

NAYS—Carpenter, Collins, Neighbors, Price—4.

Assembly Bill No. 253 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 354.

Bill read third time.

Remarks by Assemblymen Freeman, Scherer, Lambert, Anderson, Garner and Gibbons.

Assemblyman Scherer moved that Assembly Bill No. 354 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Scherer.

Motion lost.

Remarks by Assemblymen Freeman and Price.

Assemblyman Price moved that Assembly Bill No. 354 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblymen Price and Porter.

Motion lost.

Roll call on Assembly Bill No. 354:

YEAS—32.

NAYS—Anderson, Bonaventura, Carpenter, Chowning, Gibbons, Humke, Price, Scherer, Spitler, Myrna Williams—10.

Assembly Bill No. 354 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 131, 172, Senate Joint Resolution No. 11 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 305, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 347, 435, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 7, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 22.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 22.

Assemblyman Freeman moved the adoption of the resolution.

Remarks by Assemblymen Freeman and Haller.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. Barbara Bennett and I came to Reno in the same year, in 1964. We didn't meet until the late 1970s during our political activities. I was very impressed by this lady, her integrity and honesty. Her sense of fairness made her a very unusual and wonderful person to know. When she ran for Reno City mayor, she was seen as sort of a dark horse. No one knew who she was but she ran a grass roots campaign, the type that had not been seen before. She won by an overwhelming majority and was so well loved by her constituents and by everyone in the community. She was revered, respected and was probably one of the better mayors in the City of Reno.

ASSEMBLYMAN HALLER:

Thank you, Mr. Speaker. Mary and John were really great people. I worked with Barbara quite a lot with the Democratic Party. I would have to say that she was one of the best workers we ever had in Washoe County. I would have to qualify what I just heard. I think without a doubt she was the best mayor that Reno has ever had and probably the best mayor Reno could possibly have.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Wendell Williams, Porter, Arberry, McGaughey, Bache, Freeman, Smith, Toomin, Collins, Chowning, Haller, Scherer, Anderson, Gibbons, Schneider, Petrak, Price and Carpenter:

Assembly Bill No. 468—An Act relating to consolidated library districts; revising the composition of the board of trustees; providing that the members of the board of trustees serve at the pleasure of their appointing authority; authorizing the appointment of an executive director; requiring the approval of the board of county commissioners before a proposal is made by the district to issue bonds; requiring the submission of the budget and expenditures of a consolidated library district to the board of county commissioners for approval; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Freeman, Evans, Augustine, Segerblom, de Braga, Heller, Myrna Williams, Petrak, Toomin, Gibbons and Smith:

Assembly Concurrent Resolution No. 37—Urging the State Welfare Administrator to require recipients of Medicaid to participate in an educational program on family planning as a condition of receiving financial assistance.

Assemblyman Freeman moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Assemblyman Evans moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-1896), requested by the Committee on Health and Human Services, be introduced by individual assemblymen.

Remarks by Assemblyman Evans.

Motion carried unanimously.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 12, 67, 81, 82, 85, 101, 133, 137, 142; Senate Bill No. 81.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Anthony Turner and the following students of the O'Brien Middle School, Stead: James Bennett, Dody Hopper, Mike Garretson, Jeff Howard, Kyle Archuleta, Justin Moore, Erik McKendall, Donald Pettit, Nathan Vigil, Deanna Fussell, Nicole Martucci, Angela Fuchs, Jennie Ballou, Jessica Scott, Rusti Cooper, Dora Armas, Stephenie Delrid, Marnie Groves, Bianca Pacheco, Heather Nosero, Alicia Randolph, Tiffany McKimmy, Erika Smith, Missy Clark, Sarah Bradshaw, Michelle Coats, Monica Blaney, Mary Bento, Petra Yates, Skye Bogart, Sandra Petito, Mina Sayder, Barbara Johnson, Missy Willis, Alicia Wolf, Michele Fraher, Kristel Yutzy, Annah Stewart, Monikia Ohotto, Angel Robertson, Kelly Robbins, Monica White, Jenny Vialobos, Sonia Zaryczny, Imelda Kang, Kelly Subotnock and Athena Campbell.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Nancy Payan.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Adam Cegavske and Bret Cegavske.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. John Bennett, Ms. Sherry Gordon, and Mayor Pete Sferrazza.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. John Sullivan, Ms. Dana Tuttle and the following students from Carson High School, Carson City: Brian Aalbers, Marcie Allen, Sandi Archibald, Cahta Ballew, Jessica Bayer, Melinda Bean, Mesha Beckett, Tracy Blume, John Bova, Tiffany Bowling, Gaile Briese, Theresa Brode, Jennifer Canty, Tony Cardinalli, Brian Catlett, Kirsten Childers, Dennis Crawford, Alicai Daniels, Nancy Davis, Benito De Arcos, Bridget Dearrieta, Jason Doescher, Jennifer Dorrah, Micky Doyle, Billy Doyle, Jennifer Drum, Adam Earhart, Brian Edwards, Everet Ericksen, Jeff Erickson, Jay Euse, Stacie Farnham, Darren Fleck, Craig Foster, Amity Gardner, Jennifer Gentry, Kelly Glover, Greg Gosnell, Joy Graber, Sean Green, Lance Hammons, Matt Hanna, Summer

Harrelson, Damon Haycock, Challena Jones, Bonnie Katzorke, Kari Keller, Jamie Kilby, Ryan Kinder, Joseph Krueger, Mesina Laack, Janet Lambers, Estelle Lorceau, Jentry Major, Amber Mann, Carrie Martin, Josh McBroomme, Pat McMullen, Jacque Millett, Chris Mitchell, Eric Morrison, Kelly Nicolls, Daneil Nochera, Jeffery Oliver, Andrew Parnell, Josh Patrick, Brian Paul, Ryan Percivalle, Aaron Percivial, Shawna Pigman, Yadhira Pimental, Pam Pollard, Kathleen Prudic, Aaron Rajs, Juliana Redman, Aaron Ross, Brian Sass, Scott Schellin, Robert Schlatter, Matt Seaman, Holly Sequin, Jeremy Smith, Ben Smith, John Sullivan, Brynne Tamori, Nathan Tobey, Keyla Vallejos, Brad Walton, Ian Waters, Casey Weir, Amelie Welden, Danielle Wenzel, Jeremy Wilkinson, Jason Yasmer, Amy Yukish and Ruth Zamarripa.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Jack Webster, Bob Allgeier, Don Quiggle, Jim Kennedy, Mss. Barbara Smallwood, Connie Elvik, Milly Griffin, Fran Quiggle, Jo-An Mason, Patricia Mckovich, Dorothy Webster, Arla Hettrick, Anna Sethman and Sharon Stockman.

Assemblyman Porter moved that the Assembly adjourn until Thursday, April 8, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:20 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE EIGHTY-FIRST DAY

CARSON CITY (Thursday), April 8, 1993

Assembly called to order at 11:02 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Marvin Dennis.

Our Heavenly Father, every day is a special day and You have taught us in Your word that Your mercies are new every morning. Thank You for this special season of the year when our thoughts turn to You in a special way. For some, the celebration of the Passover and deliverance from Egypt. For others, the celebration of the death, burial and resurrection of the Lord Jesus Christ. Regardless of our background or who we are, I ask that You bring us together in love and understanding for the good of our land, our families and our own personal lives. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 322, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Assembly Bills Nos. 189, 419, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Assembly Bill No. 189 be placed on the Second Reading File.

Remarks by Assemblyman Freeman.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 7, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolutions Nos. 2, 22 of the 66th Session.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 336.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 100, 274.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that Assembly Bill No. 138 be taken from the General File and re-referred to the Committee on Government Affairs.

Remarks by Assemblyman Garner.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 38—Directing the Legislative Commission to conduct an interim study of the laws relating to the financing of infrastructure which accompany residential, commercial and industrial development in this state.

Assemblyman Myrna Williams moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblymen de Braga, Perkins, Regan, Collins, Spitler, Arberry, Price, Garner, Smith, Lambert, Bache, Anderson, Chowning, Haller, McGaughey, Evans, Marvel, Porter, Gregory, Bennett, Wendell Williams, Augustine, Bonaventura, Segerblom, Carpenter, Neighbors, Schneider, Myrna Williams, Giunchigliani, Kenny, Gibbons, Toomin, Freeman, Sader, Hettrick and Petrak:

Assembly Joint Resolution No. 27—Urging Congress to support the "ENABLE" program.

Assemblyman de Braga moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 469—An Act relating to statutes; ratifying technical corrections made to sections of NRS and to multiple amendments of sections of NRS; correcting the effective date of, correcting certain provisions in, and repealing certain provisions in Statutes of Nevada 1991; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 470—An Act relating to gaming; substituting continuing reporting for prior approval of foreign gaming; prohibiting licensees from engaging in certain conduct in foreign gaming; requiring licensees to maintain a revolving fund to pay the cost of investigations by the state gaming control board of foreign gaming involvement; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Anderson, Toomin, Segerblom, Evans, Petrak, Regan, Haller, Wendell Williams, Giunchigliani, Arberry, Price, Perkins, Sader, Carpenter, Myrna Williams, Chowning, Bache, McGaughey, Lambert, Garner, Marvel, de Braga, Heller, Hettrick, Schneider, Ernaut, Neighbors, Kenny and Dini:

Assembly Bill No. 471—An Act relating to sales by telephone; imposing a fee upon the solicitation of such sales; providing for additional regulation of such sales; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 100.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 274.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 336.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 233.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 224.

Amend section 1, pages 1 and 2, by deleting lines 1 through 24 on page 1 and lines 1 through 30 on page 2 and inserting:

"Section 1. NRS 463.401 is hereby amended to read as follows:

463.401 1. In addition to any other license fees and taxes imposed by this chapter, a casino entertainment tax equivalent to 10 percent of all amounts paid for admission, food, refreshments and merchandise is hereby levied, except as provided in subsection 2, upon each licensed gaming establishment in this state where music and dancing privileges or any other entertainment, except instrumental or mechanical music alone or music by musicians who move constantly through the audience whether the music is vocal or instrumental or both, is provided to the patrons in connection with the serving or selling of food or refreshments, or the selling of any merchan-

dise. Amounts paid for gratuities directly or indirectly remitted to employees of the licensee or for service charges collected and retained by persons other than the licensee are not taxable pursuant to this section.

2. A licensed gaming establishment is not subject to tax pursuant to this section if:

(a) The establishment is licensed for less than 51 slot machines, less than six games, or any combination of slot machines and games within those respective limits;

(b) The entertainment is a charitable or nonprofit benefit, an exhibition in a museum, a sporting event, a trade show, a motion picture film, an outdoor concert or similar to any of these; [or]

(c) *The entertainment is presented in a facility other than a permanent theater-restaurant, showroom or lounge;*

(d) The entertainment is presented in a facility that would not have been subject to taxation pursuant to 26 U.S.C. § 4231(6) as that provision existed in 1965; or

(e) In other cases, if:

(1) No distilled spirits, wine or beer is served or permitted to be consumed;

(2) Only light refreshments are served;

(3) Where space is provided for dancing, no charge is made for dancing; and

(4) Where music is provided or permitted, the music is:

(I) Provided without any charge to the owner, lessee or operator of the establishment or to any concessionaire;

(II) Mechanical or instrumental music alone; or

(III) Provided only by musicians who move constantly through the audience, whether the music is vocal or instrumental, or both.

3. The tax imposed by this section must be paid by the licensee of the establishment.''.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

''Sec. 2. The amendatory provisions of section 1 of this act are intended to clarify the original intent of the legislature when it adopted section 2 of chapter 525 of Statutes of Nevada 1965, now codified as NRS 463.401, and to clarify the intent of the legislature when it adopted section 2 of chapter 664 of Statutes of Nevada 1979, to amend NRS 463.401.''.

Amend the title of the bill to read as follows:

''An Act relating to gaming; clarifying provisions regarding the applicability of the casino entertainment tax; and providing other matters properly relating thereto.''.

Amend the summary of the bill to read as follows:

''Summary—Clarifies provisions regarding applicability of casino entertainment tax. (BDR 41-1402)''.

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:12 a.m.

ASSEMBLY IN SESSION

At 11:18 a.m.

Mr. Speaker presiding.

Quorum present.

Amendment adopted.

Assemblyman Sader moved that Assembly Bill No. 233 be re-referred to the Committee on Taxation.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Taxation.

Assembly Bill No. 291.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 210.

Amend sec. 2, page 2, line 6, after "*for the*" by inserting "*control,*".

Amend sec. 3, page 2, line 25, after "*for the*" by inserting "*control,*".

Amend the title of the bill, second line, after "regarding the" by inserting "control,".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 305.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 347.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 435.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 232.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 13.

Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 14.

Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 17.

Resolution read second time and ordered to third reading.

Assembly Bill No. 189.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 260.

Amend section 1, page 1, by deleting lines 6 and 7 and inserting:

"2. *Any final use of anhydrous ammonia for an agricultural purpose, including storage of the substance on the premises of a farm.*

3. Activities which are regulated pursuant to both 30 U.S.C. 801 et seq. and 42 U.S.C. 7401 et seq.".

Amend the title of the bill to read as follows:

"An Act relating to hazardous substances; exempting from regulation the final use of anhydrous ammonia for agricultural purposes; exempting from regulation certain mining activities which are federally regulated; and providing other matters properly relating thereto.".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 337.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 337:

YEAS—37.

NAYS—Collins, de Braga, Evans, Freeman, Gibbons—5.

Assembly Bill No. 337 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 131.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 131:

YEAS—42.

NAYS—None.

Senate Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 172.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Senate Bill No. 172:

YEAS—42.

NAYS—None.

Senate Bill No. 172 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 11.

Resolution read third time.

Remarks by Assemblyman Bennett.

Roll call on Senate Joint Resolution No. 11:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 11 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 8, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 23, 24.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 23.

Assemblyman Ernaut moved the adoption of the resolution.

Remarks by Assemblyman Ernaut.

Assemblyman Porter requested that Assemblyman Ernaut's remarks be entered in the Journal.

Thank you, Mr. Speaker. To you and through you to this esteemed body, I have the honor of presenting two resolutions honoring a legendary Reno family. In fact, the two people we are going to be honoring today have over 166 years of combined residency in this state. I will begin with Senate Concurrent Resolution No. 23, memorializing Jeanne Thornton.

Every century or so, a special person comes along who dedicates their life to the service of their community. Jeanne Thornton was such a person. Her selfless efforts on behalf of women's and children's groups served as a strong voice for the advancement of their causes.

Among her many projects, she was president of several organizations such as the Babcock Kindergarten Mothers' Club, Doten School Mothers' Club, Sigma Nu Mothers' Club, Reno United Parent Teacher Association, Children of the American Revolution, the Holcomb Chapter National Colonial Dames of the 17th Century, National Society of Daughters of the American Revolution and so on. She was a person that gave of herself. It gives me a great deal of pleasure today to support Senate Concurrent Resolution No. 23 memorializing such a legendary humanitarian and an acting mother of many other than her own family.

Jeanne Thornton is to be remembered as someone who gave of herself far beyond the call of duty. Nevada should be proud to call Jeanne Thornton one of her own.

Resolution adopted unanimously.

Senate Concurrent Resolution No. 24.

Assemblyman Ernaut moved the adoption of the resolution.

Remarks by Assemblyman Ernaut.

Assemblyman Porter requested that Assemblyman Ernaut's remarks be entered in the Journal.

Thank you, Mr. Speaker. To you and through you, as all of us know, water and agriculture are Nevada's most precious resources. It took the foresight and vision of pioneering people like Clarence Thornton to plan and manage those resources so that all of us may enjoy the pristine beauty of this state as well as utilize those resources for business and recreation.

As an 86-year resident, Clarence Thornton distinguished himself as a leader, a humanitarian and a great citizen of Nevada. To that extent, he was honored with many awards such as Distinguished Alumnus of the University of Nevada Reno in 1978 and Reno's Distinguished Nevadan in 1982.

It is with great sorrow that we speak of Clarence Thornton's passing, but with great pride and reverence that we honor him today. To the members of this body, I would say that this resolution memorializing Clarence Thornton serves as a testament to our own endeavor to not seek to follow in the footsteps of the men of old, but to seek what they sought.

Resolution adopted unanimously.

Assemblyman Sader moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:43 a.m.

ASSEMBLY IN SESSION

At 11:52 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 8, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 25.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 25.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblymen Porter, Evans, Price, Myrna Williams and Freeman.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 472—An Act relating to crimes; prohibiting the carrying or possession of certain weapons in certain areas frequented by children; providing an additional penalty for certain crimes concerning controlled substances committed on a school bus; exempting from additional penalties certain crimes concerning controlled substances committed in private residences under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Toomin, Perkins, Regan, de Braga, Collins, Price, Garner, Smith, Bache, Tiffany, Scherer, Haller, McGaughey, Evans, Gregory, Marvel, Bennett, Wendell Williams, Augustine, Chowning, Arberry, Segerblom, Carpenter, Neighbors, Bonaventura, Schneider, Giunchigliani, Kenny, Gibbons, Hettrick, Petrak, Humke, Porter, Lambert, Dini, Spitler, Ernaut and Freeman:

Assembly Bill No. 473—An Act relating to elections; changing the date for filing a declaration of candidacy; and providing other matters properly relating thereto.

Assemblyman Toomin moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblymen Collins, Sader, Chowning, Carpenter, Regan, Toomin, Petrak, Anderson, Smith, Garner, Arberry, de Braga, Perkins, Hettrick, Bonaventura, Segerblom, Neighbors, Myrna Williams, Schneider, Giunchigliani, Kenny, Wendell Williams, Bennett, Porter and Dini:

Assembly Bill No. 474—An Act relating to employee leasing companies; requiring an employee leasing company to register with the secretary of state; establishing certain requirements for the operation of such companies; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Commerce.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 169, 173, 174, 182; Senate Bills Nos. 36, 38, 65.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Celinda Argue, Barbara Neddenriep, June Williams, Velmo Ford, Delores Picco, Linda LaPierre, Dace Sacchini and Mr. Rico Sacchini.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Randy Bledsoe, Mss. Denise Hausauer, Kellie Creekmore, Debbie Stickles and the following students from Reed High School, Sparks: Keith Barry, Jeffrey Bellows, Carrie Coppa, Jennifer Cunning, Mica Gallagher, Michael Gallego, Kimberly Hlade, Seth Judge, Neha Patel, Laura Rose, Darci Shepley, Terra Smith, Thomas O'Neil, Jamie Tockey, Tim Anderson, Jason Bevacgua, Scott Coppa, Traci Moore, Stacy Owen, Romeo Plata, Billy Smith and Kristi Smith.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Joyce Lee.

On request of Assemblyman Augustine, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Michael Buckley.

On request of Assemblyman Bonaventura, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Vallea Rose.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Sara Jones and Hallie Gunn.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Phyllis Rich.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Mamie Eldridge.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Bobbi Patton and Barbara Matthews.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Susan McCarty, Messrs. Michael McCarty and Dan Thornton.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Leona Wright.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Chuck Manley.

On request of Assemblyman Garner, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Darrell Batson.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. John McDonald.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Diane Baker.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Brenda Baxter.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Gretchen di Ricco.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Susan Southwick and Mr. John Mason.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Harold Morehouse.

On request of Assemblyman Kenny, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Cynthia Gaffey.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Phyllis Sargent.

On request of Assemblyman McGaughey, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jean Spiller.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Karen Hostetter and Judy Thompson.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Shirley Harlan.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Scott Chalfant.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Charles Hunsberger.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Donald Bear and Ms. Sara Wilson.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Michael Doheny.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Duncan McCoy.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Diana Wilson.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Dana Hines.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Danny Lee.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Nancy Hudson.

Assemblyman Porter moved that the Assembly adjourn until Friday, April 9, 1993 at 10 a.m.

Motion carried.

Assembly adjourned at 12:16 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE EIGHTY-SECOND DAY

CARSON CITY (Friday), April 9, 1993

Assembly called to order at 10:09 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Marvin Dennis.

As we end another week in this Assembly Chamber, our Heavenly Father, I ask that You will give to each one Your blessing. Thank You for providing for us the way to reach You and may each of us seek and find You in worship this weekend. I ask Your benediction upon us all. The Lord bless you, and keep you; the Lord make His face shine upon you and be gracious to you; the Lord turn his face towards you and give you peace.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 223, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 229, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 8, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 199, 209, 270, 310, 330.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 53, 127.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 77.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Freeman, Price, Giunchigliani, Haller, Segerblom, de Braga and Kenny:

Assembly Bill No. 475—An Act relating to public revenue; imposing a fee upon the sale of certain beverages and ingredients; providing for the use of the proceeds to remove or reduce the discarding of litter; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture and Mining and Taxation.

Motion carried.

Senate Bill No. 53.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 127.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 199.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 209.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 270.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 310.

Assemblyman Porter moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 330.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 75, 191, 226, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 322.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 237.

Amend sec. 2, page 1, by deleting lines 13 through 20 and inserting: "director of the department of human resources, may establish an itinerant office of the welfare division of the department of human resources to provide services in Laughlin, Nevada.".

Amend the title of the bill by deleting the first and second lines and inserting:

"An Act relating to state agencies; requiring the establishment in Laughlin of a branch office for the department of motor vehicles and public safety; authorizing the establishment of an itinerant office for service in Laughlin by the welfare division of the".

Amend the summary of the bill to read as follows:

"Summary—Provides for certain state services in Laughlin. (BDR S-1587)".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 419.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 259.

Amend section 1, page 1, line 11, by deleting "*upstream*" and inserting "*downstream*".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Assembly Bill No. 189 be placed on the General File.

Remarks by Assemblyman Freeman.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 230.
Bill read third time.
Remarks by Assemblymen Gregory and Scherer.
Conflict of interest declared by Assemblyman Scherer.
Roll call on Assembly Bill No. 230:
YEAS—40.
NAYS—None.
Not voting—Scherer, Mr. Speaker—2.

Assembly Bill No. 230 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 297.
Bill read third time.
Remarks by Assemblyman Regan.
Roll call on Assembly Bill No. 297:
YEAS—40.
NAYS—None.
Not voting—Scherer, Mr. Speaker—2.

Assembly Bill No. 297 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 305.
Bill read third time.
Remarks by Assemblyman Price.
Roll call on Assembly Bill No. 305:
YEAS—42.
NAYS—None.

Assembly Bill No. 305 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 347.
Bill read third time.
Remarks by Assemblyman Scherer.
Roll call on Assembly Bill No. 347:
YEAS—42.
NAYS—None.

Assembly Bill No. 347 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 435.
Bill read third time.
Remarks by Assemblyman Porter.

Roll call on Assembly Bill No. 435:

YEAS—42.

NAYS—None.

Assembly Bill No. 435 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 47.

Bill read third time.

Remarks by Assemblyman Gregory.

Roll call on Senate Bill No. 47:

YEAS—42.

NAYS—None.

Senate Bill No. 47 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 232.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Senate Bill No. 232:

YEAS—40.

NAYS—Bonaventura, Porter—2.

Senate Bill No. 232 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 13.

Resolution read third time.

Remarks by Assemblymen Ernaut and Freeman.

Conflict of interest declared by Assemblyman Ernaut.

Roll call on Senate Joint Resolution No. 13:

YEAS—41.

NAYS—None.

Not voting—Ernaut.

Senate Joint Resolution No. 13 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 14.

Resolution read third time.

Remarks by Assemblyman Smith.

Roll call on Senate Joint Resolution No. 14:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 14 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 17.
Resolution read third time.
Remarks by Assemblyman Carpenter.
Roll call on Senate Joint Resolution No. 17:
YEAS—42.
NAYS—None.

Senate Joint Resolution No. 17 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Resolution ordered transmitted to the Senate.

Assembly Bill No. 189.
Bill read third time.
Remarks by Assemblymen Carpenter, Smith and Anderson.
Roll call on Assembly Bill No. 189:
YEAS—41.
NAYS—Giunchigliani.

Assembly Bill No. 189 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 223, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Joint Resolutions Nos. 2, 22 of the 66th Session; Senate Concurrent Resolution No. 22.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Richard Gomez and Billy Stubblefield.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Elana Hatch.

On request of Assemblyman Bonaventura, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Caroline Graham, Elana Lee Graham and Luana Graham.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Alessandra Alonso.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Turner Graham.

On request of Assemblyman McGaughey, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Lenore Hutchins.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Amanda Glover.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Candy Schneider and Mr. Andrew Schneider.

On request of Assemblyman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Steve Tanner.

Assemblyman Porter moved that the Assembly adjourn until Monday, April 12, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 10:49 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE EIGHTY-FIFTH DAY

CARSON CITY (Monday), April 12, 1993

Assembly called to order at 11:04 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Our Father in Heaven, this week we celebrate new life. Thank You for the hope and freshness that this time of year brings us. We pray for the feelings of Spring and hope and freshness and vitality in this building and in the hearts of these servants. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 82, 161, 296; Assembly Joint Resolution No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 350, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 123 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

Assemblyman Sader moved that Senate Bill No. 75 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

Mr. Speaker announced that United States Senator Richard Bryan will address a Joint Session of the Legislature on Monday, April 19, 1993 at 10:30 a.m.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 9, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 16.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 16.

Assemblyman Porter moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Carpenter, Collins and Marvel:

Assembly Bill No. 476—An Act relating to hunting; revising and making permanent the program for the issuance of restricted nonresident deer tags; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 223.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 250.

Amend section 1, page 1, line 3, by deleting the bracket.

Amend section 1, page 1, by deleting line 4 and inserting: "appointments to the list after nominations".

Amend section 1, page 1, lines 11 and 12, by deleting: "*within 90 days after they occur*".

Amend section 1, page 1, by deleting lines 14 through 16 and inserting: "Arbitration Association of arbitrators who are available upon request, if [the] :

(a) The number of names on the list of qualified, trained hearing officers falls below 10; and

(b) The employee and the superintendent have so agreed in writing at least 5 school days before the list is requested.

Selection of a hearing officer through the".

Amend section 1, page 1, after line 24, by inserting:

"*5. This section does not preclude the employee and the superintendent from mutually selecting an attorney who is a resident of this state to serve as a hearing officer to conduct a particular hearing.*".

Amend the bill as a whole by deleting sec. 2.

Amend the title of the bill to read as follows:

"An Act relating to educational personnel; revising the provision regarding the list of hearing officers which is maintained by the state board of education; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provision regarding list of hearing officers maintained by state board of education. (BDR 34-770)".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 229.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 228.

Amend section 1, page 1, line 2, by deleting "Whenever" and inserting: "[Whenever] *Except as otherwise provided in subsection 3, whenever*".

Amend section 1, page 1, line 7, by deleting "[may,] *shall,*" and inserting "may,".

Amend section 1, page 1, line 17, by deleting "[may] *shall*" and inserting "may".

Amend section 1, page 2, line 2, by deleting "*and*" and inserting: ", *the court shall order the suspension or delay, as appropriate, in issuance of his driver's license. If the child*".

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 through 6 as sections 2 through 5.

Amend the bill as a whole by deleting sec. 7.

Amend the title of the bill, third and fourth lines, by deleting "temporarily making" and inserting: "making under certain circumstances".

Amend the summary of the bill, first line, by deleting "temporarily" and inserting: "under certain circumstances".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 7.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 277.

Amend section 1, page 2, line 8, after "*and*" by inserting: ", *excluding the initial 72-hour period,*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 191.
Bill read second time and ordered to third reading.

Senate Bill No. 223.
Bill read second time and ordered to third reading.

Senate Bill No. 226.
Bill read second time and ordered to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 64, 72, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:17 a.m.

ASSEMBLY IN SESSION

At 11:26 a.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 477—An Act relating to insurance; prohibiting the inclusion in a policy of health insurance of a provision which requires the payment of a deductible for coverage of certain young children; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 291.
Bill read third time.
Remarks by Assemblyman Freeman.
Roll call on Assembly Bill No. 291:

YEAS—42.
NAYS—None.

Assembly Bill No. 291 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 123.
Bill read third time.
Remarks by Assemblyman Freeman.

Assemblyman Freeman requested that her remarks be entered in the Journal.

Thank you, Mr. Speaker. Assembly Bill No. 123 is a product of the interim study of hazardous materials.

During the interim study, it became apparent that the PSCN's issuance of a permit to transport radioactive waste is a duplication of a permit required by the Nevada Highway Patrol Division. This bill eliminates the burden of a transporter having to obtain two different permits for the same activity.

The PSCN expressed support for eliminating the duplication, provided that the commission retains the responsibility to determine, before any permit is issued, whether the carrier is "fit, willing and able" to perform its duties as outlined in Chapter 706 of NRS. Assembly Bill No. 123 makes it clear that the PSCN retains the fitness and suitability review of the applicant for a permit to transport radioactive waste. The Transportation Division of the PSCN will verify the fitness and suitability of the carrier and so advise the Nevada Highway Patrol before the relevant permit is issued.

Roll call on Assembly Bill No. 123:

YEAS—42.

NAYS—None.

Assembly Bill No. 123 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 77, 172; Senate Joint Resolution No. 11; Senate Concurrent Resolutions Nos. 23, 24, 25.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Master Kyle Troescher and Miss Kelly Troescher.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Dianne Ursick.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, April 13, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 11:35 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE EIGHTY-SIXTH DAY

CARSON CITY (Tuesday), April 13, 1993

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bill McCord.

O Lord, our God, whose glory is in all the world, I most heartily beseech Thee, with Your favor to behold and bless Your servants, these members of the Assembly. Grant them wisdom and strength to know and to do Your will. Fill them with the love of truth and righteousness. So rule their hearts and prosper their endeavors, that the people of this state will be protected and cared for, to the honor and glory of Your name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:08 a.m.

ASSEMBLY IN SESSION

At 11:15 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Joint Resolution No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 131, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 276, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 327, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 292, 320, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 157, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 377, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 12, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 177, 210, 240, 311.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 84, 118, 119, 308.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Evans, Dini, Arberry, Perkins, Heller, Toomin, Neighbors, Humke, Haller, Tiffany, Smith, Bache, Spitler, Giunchigliani, Myrna Williams, Marvel, Freeman, Price, Petrak, de Braga and Regan:

Assembly Concurrent Resolution No. 39—Directing the Legislative Commission to conduct an interim study concerning the most appropriate method of establishing a Legislative Budget Office.

Assemblyman Evans moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Spitler:

Assembly Bill No. 478—An Act relating to school zones; revising the period during which the speed limit in a school zone is in effect; authorizing the governing body of a local government or the department of transportation to increase the statutory speed limit in a school zone if the increased speed limit is safe; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 479—An Act relating to industrial insurance; limiting the circumstances under which certain benefits are the exclusive remedy for subcontractors, independent contractors, their employees and employees of principal contractors; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 480—An Act relating to collection agencies; requiring each office of a collection agency to obtain a license; allowing collection agencies located outside the state to conduct certain activities within this state without a license; requiring the commissioner of financial institutions to investigate certain complaints; repealing the provision which allows branch offices to operate without a license; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 481—An Act relating to mechanics' liens; providing a lien on the land and improvements thereon for the services of an engineer, land surveyor or geologist; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 482—An Act relating to mobile homes; establishing a procedure whereby certain mobile homes may be converted from real to personal property for the purpose of taxation; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 483—An Act relating to manufactured housing; requiring the manufactured housing division of the department of commerce to conduct inspections of certain mobile homes and used manufactured homes; authorizing the division to adopt regulations concerning such inspections; eliminating the requirement that certain mobile homes bear certificates and labels of compliance; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 484—An Act relating to land use planning; requiring governing bodies to classify certain manufactured homes in the same class as conventional single-family dwellings for zoning purposes; prohibiting declarations of restrictions, deed restrictions, restrictive covenants and equitable servitudes that exclude certain manufactured homes from subdivisions; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 485—An Act relating to manufactured homes, mobile homes and similar structures; making various changes regarding their regulation and inspection; establishing an additional ground for the discipline of persons holding certain licenses; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 486—An Act relating to bail; eliminating an exception to the requirement that a court exonerate an obligor and release bail upon the sentencing of a defendant; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 487—An Act relating to writs of habeas corpus; requiring the filing of a post-conviction petition for such a writ in the county in which the petitioner was convicted; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 488—An Act relating to prisoners; providing a procedure for expeditious consideration of an application for commutation of the punishment of a prisoner who is terminally ill or physically incapacitated; allowing the state board of pardons commissioners to make a decision on the application without a formal meeting; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 489—An Act relating to extradition; requiring the attorney general to pay the expenses to extradite a person located outside the United States; requiring the state board of examiners to adopt regulations governing the procedure for the payment of those expenses; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 490—An Act relating to criminal actions; prohibiting the operation of a vehicle or vessel if a subsequent test shows the presence of a certain level of alcohol; repealing certain presumptions; establishing an affirmative defense; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 491—An Act relating to criminal actions; lowering the level of presumptive intoxication in provisions governing operation of a vehicle or vessel; prohibiting the operation of a vehicle or vessel under additional circumstances; establishing an affirmative defense; providing expressly for the effect of presumptions in criminal cases where a judge is the trier of facts; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 492—An Act relating to child support; making various changes relating to the obligation of support for dependent children; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 493—An Act relating to sexual assault; requiring that a convicted offender be ordered to reimburse a county for certain services to the victim; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 84.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 118.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 119.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 177.

Assemblyman Porter moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 210.

Assemblyman Porter moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 240.

Assemblyman Porter moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 308.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 311.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 73, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Judiciary.

ROBERT M. SADER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 13, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 26.

MARY JO MONGELLI
Assistant Secretary of the Senate

Assemblyman Freeman moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:31 a.m.

ASSEMBLY IN SESSION

At 11:35 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Freeman, Lambert, Segerblom, Carpenter, Neighbors, Petrak, Hettrick, Bonaventura, Ernaut, Augustine, Schneider, Wendell Williams, Bennett, Porter, Marvel, Gregory, Kenny, Haller, McGaughey, Myrna Williams, Giunchigliani, Evans, Gibbons, Toomin, Dini, Chowning, Smith, Spitler, Regan, Perkins, Sader, Tiffany, Scherer, Anderson, Bache, Arberry, Price, Collins, de Braga, Heller and Garner:

Assembly Concurrent Resolution No. 40—Directing the Legislative Commission to conduct an interim study of the cities in this state which are incorporated by charter.

Assemblyman Freeman moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Concurrent Resolution No. 26.

Assemblyman Sader moved the adoption of the resolution.

Remarks by Assemblymen Sader, Price and Mr. Speaker.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. Mead Dixon was a very distinguished and prominent lawyer in northern Nevada, indeed, in all of Nevada. During his lifetime, he became a major partner in the law firm of Vargas, Bartlett and Dixon, as it was known at that time, and which was certainly a distinguished firm in the northern Nevada area.

Mr. Dixon was a very close, personal friend of William Harrah. He became, not only a lawyer, but a close business associate in the affairs of Harrah's. After Mr. Harrah died, he became the executor of Harrah's estate and became the Chairman of the Board of Harrah's. Here, I think, is where Mr. Dixon's life became more than that of just a prominent Nevadan. It became intertwined with the essence of affairs in Nevada in a very important way, and one that I think we should remember.

We have gone through a transition in this state in the last 20 years from small gaming establishments run by very dominant individuals, such as William Harrah, to an industry which has public corporations dominated by large corporations and has really become

more of a business than a personal extension of an individual. Harrah's is such a corporation now. A corporation that has made that transition and was the first to make the transition to a public corporation. Mead Dixon ushered that era through, and I think, he holds the rank as a farsighted and perceptive individual seeing the trends in business, in the gaming industry and bringing that corporation to a new level. I think he has to be considered not only a pioneer of modern gaming but somebody who all of us in Nevada need to remember and thank for his ability to deliver a strong economy for the future for all of us.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I rise in support of Senate Concurrent Resolution No. 26. I personally had the greatest respect for Mead Dixon. He was the attorney for the Dairy Commission when I was first elected. One of the first duties I was assigned was an interim study dealing with that commission. At that time, I had no idea of Mead's connections or friendship with William Harrah or anyone else for that matter. He was an extremely warm person, interested in Nevada and certainly a fine citizen. He was a pilot and he continued that, I suppose, throughout his life.

I recall that the commissioner, the executive director of the commission, told me he thought Mead was some kind of friend of William Harrah. He made the statement the gamers really appreciated and thought highly of Mead Dixon. As my knowledge grew of our state and of our gaming operations, and of Mead, I came to realize that he certainly was a person of high standards. Over the years, from time to time, I talked with Mead about various problems and ideas that I had. I used him as a sounding board. I saw him not too long before he died. I was very saddened, as many Nevadans were, on hearing of his death. I think this resolution is very appropriate and I am glad that we are considering it.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks.

Thank you, Mr. Price. With the permission of the house, I would like to say a couple of words. I knew Mr. Dixon very well. I met him in the 70s at a lunch with Bill Harrah for a mutual friend that both of them had, Al Figone, who was a slot route operator in Reno. We had lunch together and we were friends ever since then.

Mead Dixon was a great Nevadan. He was dedicated to the state and that is the thing that I think is important. He always put the state first in his goals. It was certainly a pleasure in my life to have known Mead Dixon.

Resolution adopted unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 350.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 279.

Amend sec. 2, page 2, by deleting lines 8 through 10 and inserting: "named in the notice and the date of receipt.".

Amend sec. 2, page 2, by deleting lines 22 through 25 and inserting: "any other filing officer specified in NRS 108.827, he shall enter the refiled notice or the certificate with the date of filing in any alphabetical index of liens.".

Amend sec. 2, page 2, line 28, by deleting "[active]" and inserting "active".

Amend sec. 2, page 2, line 31, after "certificate." by inserting: "*The certificate must state that it reveals active liens only.*".

Amend the title of the bill, second line, by deleting "fully" and inserting "further".

Amend the summary of the bill, first line, by deleting "fully" and inserting "further".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 19.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 64.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 275.

Amend section 1, page 1, by deleting lines 6 through 8 and inserting: "care as a patient in the facility for more than 24 hours.".

Assemblyman Smith moved the adoption of the amendment.

Remarks by Assemblyman Smith.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 72.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 269.

Amend section 1, page 1, line 2, after "includes" by inserting an open bracket.

Amend section 1, page 1, line 4, by deleting "rubbish." and inserting: "rubbish.] *, but is not limited to, wastes resulting from:*

(a) The handling, preparation, cooking or consumption of food;

(b) Combustible refuse, such as paper, cartons, boxes, barrels, wood, tree branches, yard trimmings, dead plants, wood, upholstered furniture, bedding and rubber;

(c) Noncombustible refuse, such as metals, tin or aluminum cans, metal furniture, dirt, rock, pieces of concrete, glass, crockery, other minerals and mineral wastes; and

(d) Street rubbish, such as street sweepings, dirt, leaves, catch-basin dirt and the contents of litter receptacles.".

Amend the title of the bill, first line, after "sanitation;" by inserting: "clarifying the definition of "garbage";".

Assemblyman Toomin moved the adoption of the amendment.

Remarks by Assemblyman Toomin.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 82.

Bill read second time and ordered to third reading.

Senate Bill No. 161.
Bill read second time and ordered to third reading.

Senate Bill No. 296.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Senate Bill No. 75 be taken from the Chief Clerk's desk and placed on the Second Reading File.
Remarks by Assemblyman Sader.
Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 75.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 289.
Amend section 1, page 1, by deleting lines 3 through 9 and inserting: "*The welfare division shall:*
1. Adopt regulations setting forth the criteria to be used by the welfare division or a licensed child-placing agency for determining".
Amend section 1, page 1, line 13, by deleting "*127.280,*" and inserting: "*section 2 of chapter 42, Statutes of Nevada 1993,*".
Amend the title of the bill, first line, by deleting: "division of child and family services" and inserting "welfare division".
Amend the summary of the bill, first line, by deleting: "division of child and family services" and inserting "welfare division".
Assemblyman Sader moved the adoption of the amendment.
Remarks by Assemblyman Sader.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 419.
Bill read third time.
Remarks by Assemblyman Carpenter.
Roll call on Assembly Bill No. 419:
YEAS—42.
NAYS—None.

Assembly Bill No. 419 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 191.
Bill read third time.
Remarks by Assemblyman Gibbons.

Roll call on Senate Bill No. 191:

YEAS—42.

NAYS—None.

Senate Bill No. 191 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 223.

Bill read third time.

Remarks by Assemblymen Smith and Giunchigliani.

Roll call on Senate Bill No. 223:

YEAS—42.

NAYS—None.

Senate Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 226.

Bill read third time.

Remarks by Assemblyman Haller.

Roll call on Senate Bill No. 226:

YEAS—42.

NAYS—None.

Senate Bill No. 226 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Bonaventura, Perkins, Dini, Segerblom, Hettrick, Petrak, Carpenter, Neighbors, Ernaut, Schneider, Augustine, Regan, Kenny, Humke, Haller, McGaughey, Evans, Gregory, Sader, Garner, Smith, Bache, Anderson, Price and Arberry:

Assembly Bill No. 494—An Act relating to securities; authorizing the administrator of the securities division of the office of the secretary of state to issue a license to a nonprofit corporation to establish and operate a securities exchange in this state; authorizing the administrator to adopt regulations relating to the establishment and operation of a securities exchange; and providing other matters properly relating thereto.

Assemblyman Bonaventura moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 68.

The following Senate amendment was read:

Amendment No. 231.

Amend section 1, page 1, line 4, by deleting "*10*" and inserting "*5*".

Assemblyman Sader moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 68.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered transmitted to the Senate.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 232; Senate Joint Resolutions Nos. 13, 14, 17.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Augustine, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Sherwood Mead Dixon, Dr. Trudy Larson and Ms. Jane Dixon.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Ann Thompson, Karin Traill, Mary DuBois, Maryanne Ingemanson, Carolyn Ehrler, Audrey Latham, Peggy Taylor, Katie Dimick, Isabel Trevillian, Ann Conway, Sally Grueson, Stephanie Mancuso, Jean Teipner, Barbara Elias, Lisa Emerson, Dora Mae Jakobsen, Maryann Clemens, Sandy Masters and Betty Robinson.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jerry Frandsen and Ms. Akiko Yamashita.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Jane Holm, Mardi Falcon, Linda Turner, Robbie Gillespie, Jill Mustacchio, Jamie Berston, Brenda Grigsby, Lisa Brumbly DiDi Chaney, Messrs. Mike Weber, Patrick Henry and the following students from Scarselli Elementary School, Gardnerville: Ann Adrian, Gieorag Andrews, Levi Barbee, Marlena Conen, Meghan Doyle, John Falcon, Cassandra Fisher, Sean Gillespie, Michael Gonzales, Darshaya Harrison, Barbie Johnson, Rebecca Jordan, Christopher Kallas, Caleb Kruger, Dillon Leknes, Katie McDole, Matthew Patton, Leslie Pearson, Zane Rivera, Dillon Rogers, Amber Smith, Elliot Souza, Amanda Steelsmith, Shara Thiesen, Marie Youmans, Brooke Bond-Roberts, Jennifer Brooks, Nicholas Brumblay, Danielle Buckner, Dyanne Cole, Nicholas Dereng, Alexa Doak, Daniel Duckworth, Allison Glenn, Erick Grigsby, Christopher Jeffers, Karlie Kent, Rachel Klena, Nellie Madera, Jennifer McLaughlin, Crystal Mendonca, Charles Montanaro, Amber Pelletier, Anu Ratti, Jason Rehder, Christopher Rowe, Jennifer Van Arsdall, Nicole Weber, Matthew Wilcks, Lucia Willson and Stephanie Zortman.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Yani Dickens and Master Aaron Dickens.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, April 14, 1993 at 8 a.m.

Motion carried.

Assembly adjourned at 12:11 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE EIGHTY-SEVENTH DAY

CARSON CITY (Wednesday), April 14, 1993

Assembly called to order at 8:06 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter, Gregory, Haller and Scherer, who were excused.

Prayer by the Chaplain, The Reverend Bill McCord.

O Lord, our God, bless, we beseech Thee, the work of the Assembly this day. Grant to its members clarity of thought, evenness of temper, willingness to cooperate and compassion for the poor. Provide them with a vision of what can be done for the welfare of all citizens. Sustain them with a sense of fulfillment when they have done the best they could in these economically difficult times. May they hear Your word of praise, "Well done, good and faithful servants." This we pray in the name of God of Abraham, Isaac, Sarah and Rebeka. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bill No. 130; Senate Joint Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 13, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 47.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Freeman:

Assembly Bill No. 495—An Act making an appropriation to the Washoe County school district for support of the Family Focus Center which provides social services for economically disadvantaged youths at the Glenn Duncan Elementary School; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Hettrick, Dini, Marvel, Garner, Tiffany, Lambert, Gregory, Heller, Giunchigliani, Bennett, Haller, Perkins, Wendell Williams, Segerblom, Toomin, Kenny, Augustine, McGaughey, Anderson, Ernaut, Regan, Carpenter, Gibbons, Smith, Bache, Spitler, Collins, Schneider, de Braga, Arberry, Neighbors, Chowning, Scherer, Petrak, Humke, Evans, Price, Freeman, Myrna Williams and Porter:

Assembly Bill No. 496—An Act relating to campaign practices; prohibiting the publication of information in support of a candidate by a political party, committee sponsored by a political party or committee for political action unless it has been approved by the candidate and reported as a campaign contribution; establishing a civil action against a person who unlawfully publishes certain campaign material; increasing the penalty for the unlawful publication of campaign material; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 73.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 295.

Amend the bill as a whole by deleting sections 1 through 22 and adding new sections designated sections 1 and 2, to read as follows:

"Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A professional caretaker who fails to provide such service, care or supervision as is reasonable and necessary to maintain the health or safety of a patient is guilty of criminal neglect of a patient if:

(a) The act or omission is aggravated, reckless or gross;

(b) The act or omission is such a departure from what would be the conduct of an ordinarily prudent, careful person under the same circumstances that it is contrary to a proper regard for danger to human life or constitutes indifference to the resulting consequences;

(c) The consequences of the negligent act or omission could have reasonably been foreseen; and

(d) The danger to human life was not the result of inattention, mistaken judgment or misadventure, but the natural and probable result of an aggravated reckless or grossly negligent act or omission.

2. Unless a more severe penalty is prescribed by law for the act or omission which brings about the neglect, a person who commits criminal neglect of a patient:

(a) If the neglect results in death or substantial bodily harm, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(b) Otherwise, is guilty of a gross misdemeanor.

3. For the purposes of this section, a patient is not neglected for the sole reason that:

(a) According to his desire, he is being furnished with treatment by spiritual means through prayer alone in accordance with the tenets and practices of a church or religious denomination. Subsection 1 does not authorize or require any medical care or treatment over the implied or express objection of such a patient.

(b) Life-sustaining treatment was withheld or withdrawn in accordance with a valid declaration by the patient or his attorney-in-fact pursuant to NRS 449.810.

4. Upon the conviction of a person for a violation of the provisions of subsection 1, the attorney general shall give notice of the conviction to the licensing boards which:

(a) Licensed the facility in which the criminal neglect occurred; and

(b) If applicable, licensed the person so convicted.

5. As used in this section:

(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(b) "Patient" means a person who resides or receives health care in a medical facility.

(c) "Professional caretaker" means a person who:

(1) Holds a license, registration or permit issued pursuant to Title 54 of NRS;

(2) Is employed by, an agent of or under contract to perform services for a medical facility; and

(3) Has responsibility to provide care to patients.

Sec. 2. NRS 228.410 is hereby amended to read as follows:

228.410 1. The attorney general has primary jurisdiction to investigate and prosecute violations of NRS 422.540 to 422.570, inclusive, and any fraud in the administration of the plan or in the provision of medical assistance. The provisions of this section notwithstanding, the welfare division of the department of human resources shall enforce the plan and any administrative regulations adopted pursuant thereto.

2. For this purpose, he shall establish within his office the Medicaid fraud control unit. The unit must consist of a group of qualified persons, including, without limitation, an attorney, an auditor and an investigator [.] *who has expertise in nursing, medicine and the administration of medical facilities.*

3. The attorney general, acting through the unit established pursuant to subsection 2:

(a) Is the single state agency responsible for the investigation and prosecution of violations of NRS 422.540 to 422.570, inclusive;

(b) Shall review reports of abuse or *criminal* neglect of patients in medical facilities which receive payments under the plan and, when appropriate, investigate and prosecute the persons responsible;

(c) May review and investigate reports of misappropriation of money from the personal resources of patients in medical facilities which receive payments under the plan and, when appropriate, prosecute the persons responsible;

(d) Shall cooperate with federal investigators and prosecutors in coordinating state and federal investigations and prosecutions involving fraud in the provision or administration of medical assistance pursuant to the plan, and provide those federal officers with any information in his possession regarding such an investigation or prosecution; and

(e) Shall protect the privacy of patients and establish procedures to prevent the misuse of information obtained in carrying out this section.

4. When acting pursuant to NRS 228.175 or this section, the attorney general may commence his investigation and file a criminal action without leave of court, and he has exclusive charge of the conduct of the prosecution.

5. As used in this section:

(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(b) "Plan" means the state plan for the medically indigent established pursuant to NRS 422.234.".

Amend the title of the bill to read as follows:

"An Act relating to crimes against the person; prohibiting criminal neglect of patients in medical facilities; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Prohibits criminal neglect of patients in medical facilities. (BDR 15-501)".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Assemblyman Sader moved that Assembly Bill No. 73 be re-referred to the Committee on Judiciary.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Judiciary.

Assembly Bill No. 131.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 268.

Amend section 1, page 1, line 5, by deleting "*449.800.*" and inserting: "*449.800 and also includes freestanding facilities for plastic reconstructive, oral and maxillofacial surgery.*".

Amend section 1, page 1, line 18, by deleting: "fix a fee" and inserting: "[fix a fee] *adopt a schedule of fees*".

Amend section 1, page 1, line 21, after "2." by inserting: "*The fee assessed to a facility which abstracts information from its own records must not exceed one-third of the amount assessed to facilities for which the health division abstracts.*".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 157.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 227.

Amend the bill as a whole by renumbering sections 1 through 11 as sections 2 through 12 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 482.215 is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the department.

3. Each application must be made upon the appropriate form furnished by the department and contain:

(a) The signature of the owner.

(b) His residential address.

(c) His declaration of the county where he intends the vehicle to be based, unless the vehicle is deemed to have no base. The department shall use this declaration to determine the county to which the privilege tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this state for the make to be registered to the person first purchasing or operating the vehicle.

(e) Proof satisfactory to the department that the applicant has provided the security required by NRS 485.185 and his signed declaration that he will maintain the security during the period of registration.

(f) If the security is provided by a contract of insurance, evidence of that insurance provided by the insurer *in the form of:*

(1) A certificate of insurance on a form approved by the commissioner of insurance [,] *; or*

(2) A card issued pursuant to NRS 690B.023 which identifies the vehicle and indicates, at the time of application for registration, coverage which meets the requirements of NRS 485.185.

The department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

4. The application must contain such other information as is required by the department, and must be accompanied by proof of ownership satisfactory to the department.

5. For purposes of the proof, declaration and evidence required by paragraphs (e) and (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this state, may be declared as a fleet by the registered owner thereof, on his original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this state or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to NRS 485.380 may file a copy of his certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to NRS 485.186 and 485.3091 may file evidence of that insurance.

6. At the time of applying for registration of a vehicle, an applicant may, if eligible, register to vote pursuant to NRS 293.524.".

Amend sec. 4, page 3, by deleting line 22 and inserting: "respond *for the future* in damages".

Amend sec. 5, page 3, line 37, by deleting "of]" and inserting: "of financial responsibility]".

Amend sec. 5, page 3, line 44, by deleting: "*as* financial responsibility".

Amend sec. 9, page 5, by deleting lines 23 and 24 and inserting:

"(b) Registration of the vehicle for which the person failed to provide [proof of financial responsibility.] *evidence of security.*".

Amend sec. 11, page 6, lines 4 and 5, by deleting: "[subsection 2,] *this section,*" and inserting "subsection 2,".

Amend sec. 11, page 6, line 24, by deleting "*3,*" and inserting "*2,*".

Amend sec. 11, page 6, by deleting lines 35 through 37.

Amend sec. 11, page 6, line 38, by deleting "*3.*" and inserting "2.".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 276.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 240.

Amend section 1, page 1, by deleting line 9 and inserting: "tor and the board deem necessary. *If approval is received from the Federal Government to waive any contrary federal regulations, the state plan must include a provision, applying to persons who have been receiving a monthly grant for aid to dependent children for more than 3 months,*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective on January 1, 1994.".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 327.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 190.

Amend section 1, page 1, by deleting lines 5 and 6 and inserting: "[other penalty provided by law, fine him $60 as a fee for the chemical analysis. The fine] *penalty provided by law, order the defendant to pay the sum of $60 as a fee for the chemical analysis. The money collected for the chemical analysis* must not be deducted from, and is in addition to, any fine".

Amend section 1, pages 1 and 2, by deleting lines 14 through 23 on page 1 and lines 1 through 8 on page 2 and inserting: "of the court to the county *or city* treasurer , *as appropriate,* on or before the fifth day of each month for the preceding month.

3. The [county] treasurer shall deposit all money received by him pursuant to subsection 2 in the county *or city* treasury , *as appropriate,* for credit to the fund for forensic services created pursuant to NRS 453.575. The money must be accounted for separately within the fund.

4. [In counties that receive forensic services under a contract with the state, the money credited to the fund pursuant to subsection 3, less 2 percent to cover administrative expenses, must be paid monthly by the county treasurer to the state treasurer for deposit in the appropriate state fund.".

Amend section 1, page 2, line 23, by deleting "484.388." and inserting: "484.388.] *Each month the treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.*".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 453.575 is hereby amended to read as follows:

453.575 1. [When] *If* a defendant pleads or is found guilty of any violation of this chapter and an analysis of a controlled substance was performed in relation to his case, the justice or judge shall include in the sentence an order that the defendant pay the sum of $60 as a fee for the analysis of the controlled substance.

2. The money collected for such an analysis must not be deducted from , *and is in addition to,* any fine otherwise imposed by the justice or judge [, but] *and* must be [taxed against the defendant in addition to the fine. The money collected for such an analysis must be stated] *:*

(a) Collected from the defendant before or at the same time that the fine is collected.

(b) Stated separately in the judgment of the court or on the court's docket.

[The court may lower the amount of the fee imposed pursuant to this section if it determines that the defendant is unable to pay the entire amount.]

3. The money collected pursuant to subsection 1 in any district, municipal or justice's court must be paid by the clerk of the court to the county *or city* treasurer , *as appropriate,* on or before the fifth day of each month for the preceding month.

4. The board of county commissioners of each county shall by ordinance create in the county treasury a fund to be designated as the fund for forensic services. *The governing body of each city shall create in the city treasury a fund to be designated as the fund for forensic services.* Upon receipt, the county *or city* treasurer , *as appropriate,* shall deposit any fee for the analyses of controlled substances in the fund. The money from such deposits must be accounted for separately within the fund.

5. [In counties which receive forensic services under a contract with the state, the money deposited in the fund for forensic services pursuant to subsection 4 must be paid monthly by the county treasurer to the state treasurer for deposit in the state general fund, after retaining 2 percent of the money to cover his administrative expenses.

6. In counties which do not receive forensic services under a contract with the state, the money deposited in the fund for forensic services pursuant to subsection 4 must be expended, except as otherwise provided in this subsection:

(a) To pay for the analyses of controlled substances performed in connection with criminal investigations within the county;

(b) To purchase and maintain equipment to conduct these analyses; and

(c) For the training and continuing education of the employees who conduct these analyses.

Money from the fund must not be expended to cover the costs of analyses conducted by, equipment used by or training for employees of an analytical laboratory not registered with the Drug Enforcement Administration of the United States Department of Justice.] *Each month the treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.*".

Amend the title of the bill to read as follows:

"An Act relating to laboratory analysis; requiring a court to collect the fee for the chemical analysis of blood, urine, breath or other bodily substance from certain defendants before or at the same time that any fine is collected; requiring a court to collect the fee for the analysis of a controlled substance

from certain defendants before or at the same time that any fine is collected; revising the manner in which any remainder may be deposited; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires certain fees for analysis to be collected from certain defendants before or at same time that any fine is collected. (BDR 43-1184)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 377.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 23.

Resolution read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 281.

Amend the resolution, page 1, line 16, by deleting "opening and".

Amend the title of the resolution, first and second lines, by deleting "opening and".

Assemblyman Heller moved the adoption of the amendment.

Remarks by Assemblyman Heller.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 292.

Bill read second time and ordered to third reading.

Senate Bill No. 320.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 223.

Bill read third time.

Remarks by Assemblyman Wendell Williams.

Roll call on Assembly Bill No. 223:

YEAS—38.

NAYS—None.

Absent—Carpenter, Gregory, Haller, Scherer—4.

Assembly Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 229.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 229:

YEAS—38.

NAYS—None.

Absent—Carpenter, Gregory, Haller, Scherer—4.

Assembly Bill No. 229 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 19.

Resolution read third time.

Remarks by Assemblymen de Braga and Heller.

Assemblyman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DE BRAGA:

Thank you, Mr. Speaker. Assembly Joint Resolution No. 19 seeks to amend the Nevada Constitution in order to protect the financial stability of the Public Employees Retirement System. To accomplish this, the state constitution will be strengthened in four respects: PERS will be prohibited from making loans to the state or investing in obligations of the state; the constitution will declare that the system must be governed by the Retirement Board; the executive officer of the system will continue to serve at the pleasure of the Retirement Board; the Retirement Board will continue to employ an independent actuary and adopt actuarial assumptions based upon the recommendations made by the independent actuary. This resolution was unanimously passed by the Government Affairs Committee.

ASSEMBLYMAN HELLER:

Thank you, Mr. Speaker. I rise in support of Assembly Joint Resolution No. 19. At the beginning, I would like to give some thanks to my colleague from Churchill County. I believe she deserves a lot of credit for this particular bill. She had a similar bill in committee. We worked very closely on it. She took a bipartisan bill that was a good government bill and let it maintain itself as a good government bill. I give the same credit to the Chairman of Government Affairs.

The steps that were taken on Assembly Joint Resolution No. 19 in the field of public pensions are very bold and aggressive in maintaining the health of this particular system. We learned in committee that over a third of the retirement systems in the other states are facing some serious financial problems. The provisions in Assembly Joint Resolution No. 19 are some of the same provisions other states are trying to enact after having had some serious financial problems. I think it is important to understand that systems rarely fail because of financial problems. Most of these systems are failing because of political manipulation and, for this reason, I urge my colleagues to support Assembly Joint Resolution No. 19.

Roll call on Assembly Joint Resolution No. 19:

YEAS—38.

NAYS—None.

Absent—Carpenter, Gregory, Haller, Scherer—4.

Assembly Joint Resolution No. 19 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 7.

Bill read third time.

Remarks by Assemblyman Smith.

Roll call on Senate Bill No. 7:

YEAS—38.
NAYS—None.
Absent—Carpenter, Gregory, Haller, Scherer—4.

Senate Bill No. 7 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 82.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Senate Bill No. 82:

YEAS—38.
NAYS—None.
Absent—Carpenter, Gregory, Haller, Scherer—4.

Senate Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 161.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Senate Bill No. 161:

YEAS—38.
NAYS—None.
Absent—Carpenter, Gregory, Haller, Scherer—4.

Senate Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 296.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Senate Bill No. 296:

YEAS—38.
NAYS—None.
Absent—Carpenter, Gregory, Haller, Scherer—4.

Senate Bill No. 296 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 47.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Eric Dabney.

Assemblyman Porter moved that the Assembly adjourn until Thursday, April 15, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 8:39 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE EIGHTY-EIGHTH DAY

CARSON CITY (Thursday), April 15, 1993

Assembly called to order at 11:10 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Porter and Wendell Williams, who were excused.

Prayer by the Chaplain, The Reverend Bill McCord.

O Lord our God, You have given us the freedom to govern ourselves. With that freedom has come the responsibility of power. Help this body use their power wisely in order that all the citizens of our state may be the beneficiaries of their decisions.

And, O Lord our God, when they are unable to be as compassionate as they would like because of economic circumstances, may they know of Thy forgiving mercy. Grant them peace of mind for having done all they could possibly do. In the name of the One who showed mercy to all, Jesus, the revealer of Your love. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Bennett moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 361, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 117, 227, 279, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 14, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 57, 228, 280, 318.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 18.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 17.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 262.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 30, 293.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 11.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Senate Bill No. 130 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Freeman.

Motion carried.

By the Committee on Government Affairs:

Assembly Joint Resolution No. 28—Urging Congress to review the Social Security offset and windfall provisions.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

Senate Concurrent Resolution No. 11:

Assemblyman Bennett moved that the resolution be referred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Perkins (by request):

Assembly Bill No. 497—An Act relating to taxicabs; limiting, in certain counties, the period for which a vehicle may be used as a taxicab; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 498—An Act relating to health care; authorizing certain providers of health care to provide services under a common agreement; requiring the evaluation and regulation of such agreements; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 499—An Act relating to traffic laws; revising the penalties for driving under the influence of intoxicating liquor or a controlled substance; requiring an assessment of a person convicted of such an offense to determine if he is an abuser of alcohol or another drug; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 500—An Act relating to drivers' licenses; authorizing the issuance of a fictitious driver's license to a federal agent for an undercover investigation; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 501—An Act relating to bail; eliminating an exception to the requirement that a court exonerate an obligor and release bail upon the sentencing of a defendant; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 30.

Assemblyman Bennett moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 262.

Assemblyman Bennett moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 293.

Assemblyman Bennett moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Joint Resolution No. 12.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bennett moved that Assembly Bills Nos. 350, 377; Senate Bills Nos. 64, 72, 75, 292, 320 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 63, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN EVANS, *Chairman*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 191, 223, 226; Senate Concurrent Resolution No. 26.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Jeanne Dini, Mss. Shirley Fielding, Judith Reyes, Pat Gable, Lola Childs, Mary Boatwright, Bobbie Bullington, Phyllis Matheus, Helen Mandley, Lois Madden, Maxine Hansen, Mildred Matheus, Messrs. Gerald Madden and Fred Mandley.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Mike Lewandowski, Mss. Kristin Lewandowski and Clyda Anderson.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Masters Matt Lewandowski and David Lewandowski.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Courtenay Guild.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Freddie Money.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Karen Booth, Mr. Jim Pruss and the following students from Schurz Elementary School, Schurz: Jake Bobb, Raymond Brown, Cynthia Butterbredt, Kelby Jake, Mariaha McCloud, Alden McKnight, Trevor Varain, William Keady, Thomas McKnight, Mandy McShane, Cecil Oatman, Amber Richardson and Tawnya Varain.

Assemblyman Bennett moved that the Assembly adjourn until Friday, April 16, 1993 at 10 a.m.

Motion carried.

Assembly adjourned at 11:29 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE EIGHTY-NINTH DAY

CARSON CITY (Friday), April 16, 1993

Assembly called to order at 10:11 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bill McCord.

New every morning is Your love, great God of light, and all day long You are working for good in the world. Bless those assembled before You this day. May they know Your presence in their lives as they seek to serve You, those who elected them, as well as the community at large. Sit with them as they seek to bring help through legislation to people in need and to do Your will. Help them overcome the pressure of partisan issues so that the welfare of all citizens is preserved. These things we ask in the name of Jesus, Your Son. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 3, 167, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:13 a.m.

ASSEMBLY IN SESSION

At 10:14 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 15, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 242, 335.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 249.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Anderson, Arberry, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Ernaut, Evans, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Haller, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Price, Regan, Sader, Scherer, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin, Myrna Williams and Wendell Williams:

Assembly Concurrent Resolution No. 41—Memorializing former Lyon County Assemblyman Herbert E. Rowntree.

WHEREAS, The members of the Nevada Legislature note with sorrow and regret the recent passing of Herbert E. Rowntree on January 24, 1993; and

WHEREAS, Herbert E. Rowntree was born on March 8, 1908, in Kansasville, Wisconsin, and was a Lyon County resident since 1928, moving to Yerington in 1964; and

WHEREAS, Herbert Rowntree graduated from Reno High School, and attended the University of Nevada, Reno, and the University of Wisconsin; and

WHEREAS, Herbert Rowntree worked on the Plymouth Ranch in Smith Valley during his early years in Lyon County and then from 1931 to 1963 he raised chickens and turkeys, becoming one of Lyon County's largest poultry farmers; and

WHEREAS, Because of his vast experience and knowledge in poultry farming, Herbert Rowntree was a 6-year member of the board of directors of Norbest Turkey Growers Association of Salt Lake City; and

WHEREAS, Herbert Rowntree was manager of the United States Board of Water Commissioners and Walker River Irrigation District from 1963 to 1978; and

WHEREAS, Herbert Rowntree served as Assemblyman from Lyon County in 1951, 1953, 1959, 1960 and 1961; and

WHEREAS, While serving as an Assemblyman, Herbert Rowntree was the minority leader in 1953 and a member of the Committees on Ways and Means, Agriculture and Judiciary; and

WHEREAS, Known for his expertise as a parliamentarian, Herbert Rowntree also served this state as Secretary of the Senate during 1956 and 1957; and

WHEREAS, Herbert Rowntree took an active interest in his community where he was a member of the Rotary Club International, the Republican Party and the Nevada Farm Bureau; and

WHEREAS, Herbert Rowntree is survived by his wife, Elsie, his four daughters, Janice Bailey of Yerington, Thomasina Alan of Glenview, Illinois, Gail Loper of Fort Worth, Texas, and Joyce Phillips of Saudi Arabia, his sister, Ruth Forhan of Seattle, Washington, his brother, John of Kansasville, Wisconsin, 10 grandchildren and 7 great-grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature hereby extend their deepest sympathy and sense of loss to the family of Herbert Rowntree; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Elsie Rowntree.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblyman Dini.

Assemblyman Porter requested that Assemblyman Dini's remarks be entered in the Journal.

Madam Speaker pro Tempore and members of the Assembly, Herb Rowntree was a great man in his day. I know he served in this chamber five terms, from the 1950s to 1961. Because of reapportionment, he decided not to run at that time. Lyon County had two assemblymen and then they were delegated down to one in the 1961 reapportionment.

Although, he was a Republican, he was a very good supporter of mine. He got me interested in water law. Herb was one of the smartest people there was when you talked

about water law in the State of Nevada. Over the years, after I got elected, I always went to see Herb about a bill if I thought it was controversial and how it affected farmers' water rights.

Every year, when they had the Republican Lincoln Day dinner, he sold me the first two tickets. It was a regular ritual. Believe it or not, he was in the chicken and turkey business. Can you believe in Yerington that they raised chickens and turkeys? It is hard to believe today that that was in the 30s and 40s. It was quite a business.

He excelled in this legislature. He was a great parliamentarian. I sought his advice many times on parliamentary procedures. He was Secretary of the Senate for two terms after he left the Assembly.

His involvement in the community was as a longtime Rotary member. Herb was a good family man, a man who was respected by everyone in the community and throughout the state. He was known throughout the state because of his knowledge, the things he did in the legislature and the things that he did in the Republican party.

It is my pleasure to have the family here today. In a minute, I will introduce them. His loss is a great sorrow to all of us. It is a great loss to the entire State of Nevada. I hope you will concur in the resolution.

On behalf of the Assembly and Senate, I would like to present this resolution to Elsie. It expresses our deep sorrow and our thoughts to the family from all the members of the Assembly. Thank you for coming.

Resolution adopted unanimously.

Assemblyman Dini moved that all rules be suspended, and that Assembly Concurrent Resolution No. 41 be immediately transmitted to the Senate.

Motion carried unanimously.

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:22 a.m.

ASSEMBLY IN SESSION

At 10:28 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 79, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Senate Bill No. 79 be re-referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 502—An Act relating to child support; making various changes to statutory provisions governing the support of dependent children; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 503—An Act relating to welfare; authorizing the welfare division of the department of human resources to recover benefits paid for assistance to the medically indigent; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 504—An Act relating to work of excavation or demolition; strengthening the requirement to mark a proposed area of work; imposing liability for failure to do so; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 505—An Act relating to campaign practices; reducing the threshold for reporting certain contributions and expenditures; prohibiting a candidate from accepting a campaign contribution from a committee for political action that is not registered with the secretary of state; clarifying various provisions concerning campaign practices; making various other changes relating to campaign practices; providing penalties; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblymen Toomin, Gibbons, Dini, Chowning, Segerblom, Neighbors, Carpenter, Hettrick, McGaughey, Collins, Smith, Regan, Kenny, Giunchigliani, Schneider, Wendell Williams, Evans, Haller, Bennett, Arberry, Humke, Anderson, Freeman, Garner, de Braga, Petrak, Gregory and Marvel:

Assembly Bill No. 506—An Act relating to elections; increasing the required period of residence for certain candidates for public office; and providing other matters properly relating thereto.

Assemblyman Toomin moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 507—An Act relating to motor vehicles; requiring the department of motor vehicles and public safety to establish a system for verifying that owners of motor vehicles maintain the mandatory proof of

financial responsibility; imposing an additional fee to be paid with the registration of a motor vehicle to cover the costs of the new system; requiring insurers to make monthly reports concerning certain policies of insurance; making the information reported by insurers confidential; changing the penalty for operating a vehicle without the mandatory proof of financial responsibility; providing penalties; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 249.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 131.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Assembly Bill No. 131:

YEAS—42.

NAYS—None.

Assembly Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 157.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 157:

YEAS—42.

NAYS—None.

Assembly Bill No. 157 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 327.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 327:

YEAS—42.

NAYS—None.

Assembly Bill No. 327 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 350.

Bill read third time.

Remarks by Assemblyman Regan.

Roll call on Assembly Bill No. 350:

YEAS—42.

NAYS—None.

Assembly Bill No. 350 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 377.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 377:

YEAS—42.

NAYS—None.

Assembly Bill No. 377 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 23.

Resolution read third time.

Remarks by Assemblyman Heller.

Assemblyman Petrak requested that Assemblyman Heller's remarks be entered in the Journal.

Thank you, Mr. Speaker. The purpose of this resolution is twofold. First, an act of this nature would provide more assurance to Western state voters that their vote really counts both nationally and locally. Admittedly, studies conducted for the major television networks have purportedly found that the present region time staggered voting reporting system only impacts the national vote approximately one percent. However, even that one percent voter dropoff can significantly spell the difference in a closely contested state and/or local election.

Two, if the enacted provision were also to include weekends, Saturday and Sunday voting, or a national holiday, as is done in many Western European countries, perhaps our national voter turnout would increase from the bare mid-50s to the high 60s and even 70s as the percentage of American voter participation, which by the way, is the common percentage of voter turnout in numerous European democracies. I urge support of Assembly Joint Resolution No. 23.

Roll call on Assembly Joint Resolution No. 23:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 23 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 64.

Bill read third time.

Remarks by Assemblyman Smith.

Roll call on Senate Bill No. 64:

YEAS—40.

NAYS—Gregory, Porter—2.

Senate Bill No. 64 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 72.

Bill read third time.

Remarks by Assemblymen Toomin, Bonaventura and Collins.

Roll call on Senate Bill No. 72:

YEAS—40.

NAYS—Haller, Marvel—2.

Senate Bill No. 72 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 75.

Bill read third time.

Remarks by Assemblymen Toomin and Haller.

Roll call on Senate Bill No. 75:

YEAS—41.

NAYS—Haller.

Senate Bill No. 75 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 292.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Senate Bill No. 292:

YEAS—42.

NAYS—None.

Senate Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 320.

Bill read third time.

Remarks by Assemblyman Bonaventura.

Roll call on Senate Bill No. 320:

YEAS—42.

NAYS—None.

Senate Bill No. 320 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 12.

Resolution read third time.

Remarks by Assemblyman Gibbons.

Roll call on Senate Joint Resolution No. 12:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 12 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Collins gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 72 was this day passed.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 170, 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 96, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 438, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Giunchigliani, Arberry, Perkins, Chowning, Heller, Price, Kenny, Myrna Williams, Toomin, Segerblom, Carpenter, Neighbors, Ernaut, Schneider, Bennett, Bonaventura, Hettrick, Petrak, Bache, Haller, Garner, Evans, Collins, Anderson, Sader, Regan, Porter, de Braga, McGaughey, Wendell Williams, Humke and Tiffany:

Assembly Bill No. 508—An Act relating to credit reports; requiring reporter to furnish a nearly full copy of the report to the subject; providing a penalty for reporting false information; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Giunchigliani, Ernaut, Bache, Price, Haller, Petrak, Lambert, de Braga, Smith, McGaughey, Garner, Anderson, Neighbors, Dini, Segerblom, Perkins, Regan, Marvel, Humke, Wendell Williams, Tiffany, Toomin, Myrna Williams and Bennett:

Assembly Bill No. 509—An Act relating to solicitation; regulating the solicitation of older persons; providing penalties; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 510—An Act relating to personal property; changing provisions for the towing, scrapping, rebuilding and transfer of ownership of motor vehicles; revising the provisions governing the satisfaction of certain liens; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 16, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 27.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 27.

Assemblyman Augustine moved the adoption of the resolution.

Remarks by Assemblymen Augustine, Humke and Mr. Speaker.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN AUGUSTINE:

Thank you, Mr. Speaker. Today at 1:30 p.m., the new Reynolds School of Journalism will be dedicated at the University of Nevada, Reno.

It is unfortunate that Mr. Reynolds did not live to see his dream come true, but his dream will live on with Nevada's young people who will be the recipients of his dedication to the profession of journalism.

Starting out as a paper boy in Oklahoma City, through hard work, gumption and a little luck, Mr. Reynolds became a highly respected and successful businessman. He was the epitome of the American dream and leaves a legacy that will live on forever in the minds of young Nevada journalism students who are fortunate to be the beneficiaries of the Reynolds School of Journalism. Hopefully, they will also inherit Mr. Reynolds' spirit of never forgetting the value of a good education.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I had the opportunity to meet Mr. Reynolds. He was truly an inspiration. This is really an Horatio Alger story. He was a person who literally did start as a paper boy and became one of the legendary publishing magnates and entrepreneurs of this country. He is represented here by two of the finest newspapers, I think, that exist in this part of the country. Thank you, very much.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I visited the new building last night. It is a tremendous asset for the University of Nevada, Reno and for the whole system. It is really a beautiful building.

Resolution adopted unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 361.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 296.

Amend sec. 2, pages 2 and 3, by deleting lines 41 through 48 on page 2 and lines 1 through 3 on page 3 and inserting:

"*3. A justice of the peace may perform marriage ceremonies in commissioner townships if he does not accept any fee, gratuity, gift, honorarium or anything of value for or in connection with solemnizing the marriage.*

4. A municipal judge may perform marriage ceremonies in this state if he does not accept any fee, gratuity, gift, honorarium or anything of value".

Amend the title of the bill, second and third lines, to read as follows: "perform marriages in this state and a justice of the peace to perform marriages in a commissioner township; prohibiting a justice of".

Amend the summary of the bill to read as follows:

"Summary—Authorizes municipal judge to perform marriages in this state and authorizes justice of the peace to perform marriages in commissioner townships. (BDR 11-573)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 63.

Bill read second time and ordered to third reading.

Senate Bill No. 117.

Bill read second time and ordered to third reading.

Senate Bill No. 227.

Bill read second time and ordered to third reading.

Senate Bill No. 279.

Bill read second time and ordered to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 511—An Act relating to unsolicited advertisements; prohibiting the delivery of unsolicited commercial advertisements to the residence of a person under certain circumstances; authorizing a civil action for a violation; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 57, 228, 280, 318; Assembly Joint Resolution No. 18; Assembly Concurrent Resolution No. 17; Senate Bills Nos. 82, 161, 296.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Elsie Rowntree, Janice Bailey, Michelle McConnaha, Rhoda Urwin, Pat Stark, Messrs. Ray Bailey, Sean McConnaha, Erin McConnaha, Al Urwin and Harry Everett.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. J.J. Evans and Zachary Evans.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. William Wolfbrandt, Jr.

On request of Assemblyman Augustine, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Dave Osborn, Dale Wetenkamp, Sherman Frederick and Fred Smith.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jennifer Smith.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Master Gordon Steinmann.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Glenn Thompson, Mrs. Carol Thompson and the following students from Goldfield School, Goldfield: Jesse Thompson, Amy Ealey, Jamie Frayne, Rosanna De La Paz, Melissa Baird and Lisa Yerkey.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jenny Laird and Master Ronnie Laird.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Theresa Dowling.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Bruce Adams and Dr. Herman VanBetten.

Assemblyman Porter moved that the Assembly adjourn until Monday, April 19, 1993 at 10:15 a.m.

Motion carried.

Assembly adjourned at 11:20 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE NINETY-SECOND DAY

CARSON CITY (Monday), April 19, 1993

Assembly called to order at 10:19 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Father, I read the newspaper yesterday. There are riots in Ohio, none in Los Angeles, Toontown in Anaheim, and joint budget hearings here. Help us make sense of this thing called life. We do not always understand it, but we thank You for it. Please help us.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Giunchigliani and Heller as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Richard H. Bryan.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 363, 389, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was re-referred Assembly Bill No. 138, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 376, 433, 442, 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 416, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Concurrent Resolution No. 31, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

VAL Z. GARNER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 16, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 41.

MARY JO MONGELLI
Assistant Secretary of the Senate

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:24 a.m.

ASSEMBLY IN SESSION

At 10:29 a.m.
Mr. Speaker presiding.
Quorum present.

The President of the Senate, the President pro Tempore of the Senate and Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President and President pro Tempore of the Senate to the Speaker's rostrum.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 10:31 a.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present except Senators Coffin and Townsend, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present.

The President of the Senate appointed a Committee on Escort consisting of Senator Hickey and Assemblyman Myrna Williams to wait upon Senator Bryan and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Richard H. Bryan, United States Senator for Nevada appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

Mr. Speaker welcomed Senator Bryan and invited him to deliver his message.

Senator Bryan delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SIXTY-SEVENTH SESSION, 1993

Madam President and Mr. Speaker, it is an honor to be here this morning. Fellow members of the Legislature, members of the Supreme Court and my fellow Nevadans. Some 24 years ago, I was privileged, as each of you are, to sit as a member of this body. I recall how eagerly I awaited the message from Washington in those years, and I know how anxious you are to hear from me today. In full recognition of this and with appropriate humility that only my fellow Nevadans can remind me of, let me "cut to the chase" as they say and talk about the issues and visit with you a little bit.

We are currently debating in the nation's capital, two macro-economic issues; that is the national economic strategy for the future of the country and what we're going to do about health care. Overriding the discussions about the economic strategy for the future is a national debt that is out of control. It is my view that in Washington, a poor job has been done in cutting expenses and that is why I believe, just as each of you and Governor Miller are subject to a constitutional limitation in terms of your own ability to appropriate funds.

There are so many programs, whether we're talking about the program which is a search for martians in outer space or we're talking about a market promotion program that over five years provides a billion dollars to some of the largest companies in America to supplement their advertising expenses, all with taxpayer dollars, or whether some of the programs which may indeed have merit, but yet we simply cannot afford them; the kind of choices that you're required to make each and every session the Nevada Legislature convenes. The space station. It may be desirable, but its long-term costs are about $130 billion when you calculate the operational outlays. The superconducting supercollider started out at about a $3–$4 billion project. Today we're looking at $11 billion. Star Wars are the programs that have to be reduced substantially, and in come cases, eliminated if we have any hope at all of getting our budget back into perspective.

The health care debate that we are all part of at the national level has affected the deliberations that each of you have been involved with. Whether it is the Medicaid budget or the problems that you face with SIIS, the exploding health care cost is an impact felt by every Nevadan. Let me just tell you the consequences if we do nothing, as some have suggested. Today we're spending about $875 billion in terms of annual health care costs. If we do nothing by the turn of the century, that number goes to $1.8 trillion. There is no way that either we or you can deal with that type of an explosive situation.

One particular aspect of health care that has caught my attention is the cost of prescription drugs affecting the elderly in our society. In the past decade, the costs have gone up by about 142 percent. That is three times the national rate of inflation. For example, a medication such as Adavan, which is a very popularly prescribed medication, that would cost $7 for 100 tablets in Canada, costs those in the United States an average of $48. Some of you may have seen a television special by Peter Jennings fairly recently where they talked about a particular heart medication that an individual went to Mexico and bought a year's supply for $700. The cost of that identical medication here in the United States, the same supply, was some $3,500. So clearly, we need to get a handle on the health care cost explosion in America.

Let me turn now to some Nevada issues that are of concern to all of us. We've had some success, as has been noted, with respect to the original OMB proposals on grazing and mining fees. The President, I think, has prudently recognized that those numbers were not driven by economic reality, and he has said in effect, "Look, we will put together the framework for discussion and negotiation as to what type of fee increases each of those two critically important industries must bear." That does not mean that we are out of the woods, but it does mean that economic reality, rather than the demands of the Office of Management and Budget, will dictate the parameters of that discussion.

Indian gaming has been discussed by others who have preceded me, but that's an issue that is of critical importance to us in Nevada. And we cannot forget, although we are fortunate not to have been impacted by any of the recommendations of the base-closing commission, we in Nevada may very well benefit by that consolidation with some additional transfers of personnel into our own state. But Nevada is potentially impacted by the changing political climate in the world, a climate which is decidedly less threatening

from a nuclear holocaust perspective than what we lived with for nearly a half a century during the cold war. The Nevada test site, something of concern to each of us as we look to the long term as to what potential exists beyond the period of any test ban that may go into effect in 1996. We've been talking about hydrogen, we've been talking about solar, and the possibility of above-ground simulators, the cost of which may range from $1 billion to $1.5 billion and the potential of hiring several thousand people who would be performing essentially the same kind of responsibilities that for nearly a half a century have been performed at the Nevada test site.

We, in Congress, must undertake reform itself. The Warren Commission is looking at a number of ways we can improve the manner in which we operate. A few aspects are of particular interest to me. We have tens of thousands of lobbyists in Washington, D.C., who are not registered. The lobbying legislation needs to be strengthened considerably. We have an exodus after every administration, Democrat and Republican, people that have represented agencies dealing with trade and foreign commerce leave the federal government and then become part of a network of national government interests which then lobby against the best interests of the American people. That kind of activity, as Ross Perot has pointed out, needs to stop, and legislation has been introduced to curtail that, which I'm proud to cosponsor.

I've had a chance as Chairman of the Commerce Subcommittee on Consumer Affairs to work closely with a number of Nevadans. You all have been dealing with, and rightly so, the problems of telemarketing in Nevada. I have introduced legislation which would strengthen the hands of the attorney general's office to enforce and control that type of telemarketing activity. Recently, Tammy Smith of the Consumer Affairs Division in Southern Nevada came back to testify at my request. I think we have an excellent opportunity in this session of Congress to enact that legislation. The State Fire Marshal has been back talking about some of the experiences we have had, historically, in Nevada in terms of hotel and motel fire safety provisions, and legislation has been enacted in recent years to do that. We all recognize in Nevada that tens of thousands of Nevadans choose as their home, mobile homes. There was an attempt fairly recently to reduce the standards in terms of the construction of those mobile homes, and we have had an opportunity to work to prevent that from coming about.

The credit crunch has more severely impacted Nevada than any other state. Commercial lending has declined by 30 percent. What that means is a loss in business opportunities. Credit-worthy individuals are unable to put their business transactions together, and Nevadans have lost an opportunity for additional employment, and for those of you who struggle with the state budget, obviously the loss of essential state revenue to operate the critically important functions of state government.

Nevada families will travel more safely along the highways of our state as a result of legislation enacted that requires an airbag to be installed, not only on the driver's side but on the passenger's side.

And there are other issues that we deal with that directly affect us. Reno Air, a fledgling airline, which now represents 28 percent of the passenger volume coming in and out of Reno-Canon, was recently threatened by a predatory practice of a long-established airline. The administration responded, at our request, and today some 500 jobs in Reno are secure, and the prospect of further expansion by that airline has been announced. It is critically important to bring in the millions of visitors who come to Nevada to make Nevada the resort and vacation destination of the world.

Now I want to say something else that nearly slipped my mind. I want to talk about nuclear waste. I know that some of you have publicly welcomed the nuclear waste dump to the facility in our state. And let me say, although I disagree with you, I respect your right as I do any citizen's right to disagree with the position. But there is a view that has gained some constituency in recent weeks that suggests that somehow you can support negotiation and oppose the nuclear waste dump. My friends, that is an incompatible and irreconcilable position. Former Attorney General, Brian McKay, and Attorney General Frankie Sue Del Papa, who joins us this morning, have made it very clear that under the

law, by accepting those benefits, not only do you waive the right of the state veto, but you waive the right of the state's ability to challenge aspects of the siting process itself including the most vitally important issue, and that is the health and safety of Nevadans.

Let's put this issue into context. No other state in the union wants it, and no other state legislature in America would be caught dead negotiating for it. That is the reality. Now we're not just talking about stuff that is slightly hazardous. Some people say it is alarmist, but it is accurate. This is the most lethal stuff in the world. It causes cancer, genetic damage and it lasts for 100,000 years. That is the consequence. If the nuclear waste dump is sited in Nevada, we're talking about 77,000 metric tons. We are talking at least 100,000 shipments that would stream into Nevada from every point on the compass. As recently as 10,000 years ago in the history of our hemisphere, there was a land bridge between Siberia and North America. The English Channel did not exist. So when you are talking about the kind of time you're talking about with nuclear waste, you are talking about something that lasts beyond the pale of generations and generations.

Now there should be no surprise for any of us here in this chamber this morning as to what is actually occurring. About two years ago, the Nevada Initiative, the long-term program and overview, was made available. This, my friends, would be the equivalent of the invasion of Northern France and Normandy during World War II if the Germans had a copy of the invasion plan because this lays it out. Let me just cite a couple of things in it. In this Initiative, we are told that it will be part of the process to enlist influential Nevadans to become part of the support of the dump movement. Now what do we have, the creation of the Nevada Nuclear Waste Study Committee, point one. Point two, they go on to say they will recruit top Nevada journalists to become part of the effort. They have done so, as you know, with two journalists in southern Nevada who are now part of the effort. Point three, they will launch a media campaign to persuade us. We all remember the little guy with the pellet on television, do we not? That is also part of the process. And part four is where all of you come in as legislators, because there you are the target to enlist your support and the plan is to do so in a nonelection year. That is a quote—so that the voters will not then have an opportunity to directly participate in the decision-making process this year.

Now the argument is made, and it is a siren call of inevitability. It's a good fight you all put up in Nevada, but it's inevitable as the argument.

Well, let me suggest that if this project were so inevitable, its timeline has slipped by 15 years. Secretary of Energy, Hazel O'Leary, ten days ago or so, announced that it will slip further. The nuclear waste fund itself actuarially is unsound. That is, there's insufficient money going into the fund to complete the deposit program. And indeed, this year $124 million has been requested from the general fund to supplement that fund to advance the cause of the high-level nuclear waste dump. Utilities are moving to above-ground storage because a number of them have lost confidence in the program. And in the last 90 days or so, a large number of people in the scientific community, who have reviewed this process, have concluded for a number of reasons that it ought not to be built, and we ought to look to other options. I would say to you that if this project was so inevitable, why would the nuclear power industry be spending, on an annual basis, according to the Nevada Initiative, in excess of $3 million to persuade us in Nevada that this is such a good deal for us. You know them, they have lobbyists working the halls as we speak, and that has a face to it. But behind them lies the money, the power of the nuclear power industry, who very frankly could not care one iota about you and me as Nevadans. It reminds me a little bit of that dramatic moment in the film that many of us have seen, The Watergate, where in the basement "Deep Throat" is providing some advice to Bob Woodward as to how to proceed with the investigation. And, in very harsh terms, his advice in that dimly lit garage was, "Follow the money." That is what this is all about—profits. The nuclear power industry, it has no long-term benefit in my judgment for us as Nevadans. But they have promised, literally, everything from a cure to male patterned baldness to halitosis to a cure for the heartbreak of psoriasis. I will share with you one of their recent publications that indicates the benefits they include: water rights, education funds, transportation systems, factories, money to offset the burgeoning state deficit. Well, under the state law, if it negotiated a benefit, it would be entitled to $6.7 million which in the budget that you

are dealing with, represents less than one-half of one percent. Less than one-half of one percent. And, if that isn't misleading and deceptive enough, look carefully at the fine print. The principal spokesman for the nuclear power industry was recently asked about negotiating for benefits, and he said, speaking on behalf of the nuclear power industry, "I haven't promised anything. Congress would have to authorize it." Now may I say that dealing with the federal government on this issue hardly warrants our trust and confidence. This is the crowd that brought us the "screw Nevada" bill in 1987. Last year, the same federal government led by the same group urging you to accept the benefits led the charge in Washington, D.C. to reduce the health and safety standards at Yucca Mountain and no other place in America.

Finally, I would say that this is the same group that year after year, to undermine the state's ability to independently make oversight, makes scientific judgments as to the validity of that process itself. I would say that what is at risk is billions and billions of dollars that have been spent over the years in the premier resort infrastructure in the world. And billions of dollars are currently being spent in this very year to expand and to make that even more attractive for tens of millions of people from all over the world who come to visit us in Nevada. All of that is potentially at risk and in jeopardy if the high-level nuclear waste dump is sited in our own state.

We talk today, and understandably so, about what the impact is on us as Nevadans. It is gaining proliferance about the potential problems that we might encounter with the expansion of Indian gaming. This morning's paper indicated that the governor of New York has entered into an agreement, a compact as it is called, with the tribes in New York. So all of that causes great concern.

I believe what is at issue is our vision of the future for Nevada. Now, there are those who may see a vision that accepts the nuclear waste dump. And if you do so, may I suggest to you that there are those poised outside our borders who are looking for a place to dispose of low-level nuclear waste, millions of gallons, hundreds of thousands of drums of toxic waste, non-nuclear, to come to Nevada. If that is your view of what the future in Nevada portends, if that is the kind of future we are to devise as policymakers, you at the state level and those of us who are privileged to serve you at the federal level, that is not my vision.

Let me share with you a recent piece of correspondence. This comes from the fourth grade class at Mark Twain Elementary School here in Carson City, Nevada. They will be the first graduating class of the new century, 2001.

DEAR SENATOR BRYAN:

> We as fourth graders would like you to know that we have written a letter similar to this to Mr. Clinton. We want to help stop states and governments from dumping toxic waste in Nevada. Our fourth grade class would like to know why the people of Nevada can't vote to keep the dump out of Nevada. Why can't the state who produced it, keep it? WE DON'T NEED IT. We fourth graders would like to help the state to be a better place. Thank you.
>
> Respectfully submitted,
>
> Mr. Verant's Fourth Grade Class, Carson City

Now these youngsters and tens of thousands of others like them in Nevada, don't have a paid lobbyist working the hallways each and every day, and paid a substantial amount of money to spin their web. They look to you at the state level and to me at the federal level to represent their interests. But they are the Nevadans that all of us are charged with representing. I would hope, as you contemplate this issue, you might remember the words of John Fitzgerald Kennedy when he said, "Let us resolve to be masters, not the victims of our history. Controlling our own destiny without giving way to blind suspicions and emotions." Together, my friends, I think we can be the masters of our fate. That the future of our state is exceedingly bright; that the future of our state can be something that we have an opportunity as policymakers to shape, and the generations of Nevadans not yet born can benefit by our thoughtful foresight and prudence. I look forward, at the federal

level, to working with each of you at the state level as you undertake your endeavors, and I wish you the very best as you contemplate the very difficult decisions you have in this session of the Legislature.

Thank you, so very much.

Senator Smith moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Bryan for his timely, able and constructive message.

Motion carried.

The Committee on Escort escorted the Senator to the bar of the Assembly.

Assemblyman Porter moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 11 a.m.

ASSEMBLY IN SESSION

At 11:17 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Evans, Myrna Williams, Dini, Humke, Freeman, Lambert, Ernaut, Neighbors, Haller, Chowning, Gibbons, Garner, Anderson, Bennett, McGaughey, Arberry, Sader, Tiffany, Marvel, Heller, Porter, Gregory, Scherer, Segerblom, Collins, Spitler, Perkins, Wendell Williams, Bache, Petrak, Hettrick, Regan, Kenny, Carpenter, Toomin, Smith, Price, Giunchigliani, de Braga, Augustine and Schneider:

Assembly Concurrent Resolution No. 42—Congratulating professional golfer Patty Sheehan upon qualifying to be admitted to the Ladies Professional Golf Association's Hall of Fame.

WHEREAS, Patty Sheehan, daughter of Reno's Robert (Bobo) and Leslie Sheehan, graduated from the University of Nevada, Reno, and San Jose State University before beginning her professional golfing career in July 1980; and

WHEREAS, Named "Rookie of the Year" in 1981 by the Ladies Professional Golf Association, Patty Sheehan has continued to receive awards and set records for the past 13 years, including being honored by *Sports Illustrated* as its "Sportswoman of the Year" in 1987 and named "Player of the Year" by both the Golf Writers Association of America in 1982 and by the Ladies Professional Golf Association in 1983; and

WHEREAS, Within the Ladies Professional Golf Association, Patty Sheehan currently holds the records for the most consecutive seasons earning more than $200,000, being the youngest woman to reach $1,000,000 in career earnings, being the fastest player on the woman's tour to reach $2,000,000 in career earnings and being the first player to win both the United States Women's Open and the Women's British Open in the same year; and

WHEREAS, Until March 21, 1993, however, Patty Sheehan had only one remaining goal in mind, to qualify for the Ladies Professional Golf Association's Hall of Fame, the highest honor for a professional lady golfer; and

WHEREAS, To qualify, a player must win two different major tournaments and 30 Ladies Professional Golf Association tournaments; and

WHEREAS, After winning the U.S. Women's Open last year during an 18-hole playoff in Oakmont, Pennsylvania, Patty Sheehan needed only one more tournament win to qualify and on March 21 in Phoenix, Arizona, Patty earned that win by capturing her 30th tournament victory; and

WHEREAS, In addition to her accomplishments on the golf course, Patty Sheehan strives to help less fortunate persons and has been recognized for her humanitarian efforts by receiving, among others, the Golf Writer's Association of America's "Charlie Bartlett" award in 1987 and the Golf Digest/Ladies Professional Golf Association's Founder's Cup in 1985, and more recently, she has hosted the Patty Sheehan Pro-Am benefiting the Nevada Special Olympics; and

WHEREAS, Patty Sheehan's friendly yet determined attitude toward life and success has served as a positive role model for millions of young people around the world; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 67th session of the Nevada Legislature hereby congratulates Patty Sheehan for her outstanding career in golf, including her recent qualification for the Ladies Professional Golf Association's Hall of Fame, and commends her for her humanitarian efforts; and be it further

RESOLVED, That this legislative body is honored that such a respected athlete is able to say that "home means Nevada"; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Patty Sheehan.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans and Chowning.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN EVANS:

Thank you, Mr.Speaker. Indeed, it is an honor and privilege for us to pause briefly amid the flurry of our legislative activity to honor a fine Nevadan and great champion.

In testimony to what a great champion she is, at no time this morning has Patty asked me for my handicap. Now, I know that it would appear since Patty won on March 21 her 30th tournament on the Ladies Tour that is why we are honoring her today, but actually many of us thought last fall, after her victory in the Women's Open, that it was long overdue for us to recognize her many fine achievements. Although, much is being made of her 30 victories and qualifying to be in the Hall of Fame, I must confess that something that didn't get a lot of attention, really did something very special for me. That was in late December, there was a little two-day tournament that took place in 1992 and that tournament was made of three teams; a team from the ladies professional circuit: Patty, Donna Mockrie, Nancy Lopez and some gentlemen from the PGA and the Seniors Tour. I think you have heard of some of these people: Fred Couples, Tom Kite, Ray Floyd and Jack Nicklaus. Well, at the end of that two-day tournament between the ladies and the gents, guess who won? Even though on the last hole, Patty had to get into her rain gear and hit it out of the water. For a golfer who spends an awful lot of time in the water, in the bunker, in the rough, every place but in the fairway or on the greens, it really did my heart good.

I first met Patty some ten years ago when she came home one summer weekend and played an exhibition round at Hidden Valley County Club for the benefit of the Women's Athletic Program at UNR. In my mind, it is not just her accomplishments on the golf course, but the sort of things that she does and takes care of in the greater world. As mentioned in the resolution, Patty will be playing a Pro-Am on September 20 at Hidden Valley Country Club in Reno, that is in conjunction with the Reno Hilton, and that is for the benefit of the Special Olympics.

She also sponsors a youth tournament for girls, 7 to 14, trying to encourage the next generation to come along. I also have the privilege of serving with Patty on the Advisory Board of Step 2 which is a program in Reno for drug and alcohol victims, women who are chemically dependent. So, she not only takes care of getting the ball in the cup in the fewest amount of strokes, she takes care of the young people of our state, nation and makes sure that she contributes to her community. With that, Mr. Speaker, it is a great honor to have Patty with us today.

ASSEMBLYMAN CHOWNING:

Thank you, Mr. Speaker. I rise in support of Assembly Concurrent Resolution No. 42 on behalf of my parents, who were both very avid golf enthusiasts. Some of the nicest parts of their lives were watching Patty's career. I want to thank you for bringing so much joy to their lives. I know that they are looking down approvingly from that big golf course in the sky.

Resolution adopted unanimously.

Assemblyman Evans moved that all rules be suspended, and that Assembly Concurrent Resolution No. 42 be immediately transmitted to the Senate.

Motion carried unanimously.

Assembly Concurrent Resolution No. 31.

Resolution read.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 280.

Amend the resolution, page 1, line 14, by deleting "school districts" and inserting "local governments".

Amend the resolution, page 1, line 15, after "from" by inserting: "the installation of".

Amend the resolution, page 1, line 18, by deleting "school districts" and inserting "local governments".

Amend the resolution, page 1, by deleting lines 21 to 23 and inserting: "mittees of parents and other interested persons to assist in designating school zones, identifying those school zones that would benefit from flashing yellow lights or enlarged signs and to assist with other issues relating to traffic safety; and be it further".

Amend the preamble of the resolution, page 1, by deleting lines 3 and 4 and inserting:

"WHEREAS, Many children must cross busy streets and major intersections on their way to school which increases the potential for their involvement in an accident; and".

Amend the preamble of the resolution, page 1, by deleting line 8 and inserting:

"WHEREAS, Many motorists do not see signs on major streets and highways that require this".

Amend the title of the resolution, first line, by deleting: "school districts and".

Amend the summary of the resolution, first line, by deleting: "school districts and".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Resolution ordered reprinted and engrossed.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 19, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 28.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 28.

Assemblyman Freeman moved the adoption of the resolution.

Remarks by Assemblyman Freeman.

Assemblyman Porter requested that Assemblyman Freeman's remarks be entered in the Journal.

Thank you, Mr. Speaker. Nurses' Day is a very special day every two years, I think, to those of us in the legislature. These are the people who are in the front line of the health care question. Senator Bryan spoke to it today very eloquently. The need to consider all aspects is probably one of the pressing issues in our nation today and these are the people, who, as I said, are in the front lines and understand it extremely well. The resolution mentions the needs in the rural area, immunizations, child welfare, infectious diseases, all the questions relating to health care. The nurses are here today to speak about the issues that we are discussing currently. It seems that no matter what committee we serve on, health care issues come up in all of these concerns. I hope you will listen very carefully to them. I would like to welcome all of you today. Welcome to the legislature.

Resolution adopted unanimously.

By the Committee on Education:

Assembly Joint Resolution No. 29—Urging the national designation of the month of May as United States Armed Forces History Month.

Assemblyman Wendell Williams moved that the resolution be referred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Heller, Gibbons, Ernaut, Chowning, Toomin, Hettrick, Spitler and Regan:

Assembly Bill No. 512—An Act relating to elections; requiring reports of contributions received to be made by political parties and their committees; and providing other matters properly relating thereto.

Assemblyman Heller moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 513—An Act relating to physical therapy; providing for the regulation of physical therapist's technicians; allowing physical therapist's assistants to obtain a temporary license under certain circumstances; making various other changes; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Bache, Porter, Petrak, Segerblom, McGaughey, Kenny, Collins, Scherer, Chowning, Smith, Tiffany, Schneider, Gregory, Arberry, Price, Bonaventura, Bennett, Toomin, Garner, Spitler, Perkins, Regan, Wendell Williams, Augustine, Giunchigliani and Myrna Williams:

Assembly Bill No. 514—An Act relating to elections; requiring the legislative auditor to conduct a performance audit of the Clark County election department; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Concurrent Committees on Elections and Procedures and Ways and Means.

Motion carried.

By Assemblymen Wendell Williams and Arberry:

Assembly Bill No. 515—An Act making an appropriation to the City of Las Vegas for the restoration of the historic Moulin Rouge Hotel and Casino; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Wendell Williams and Arberry:

Assembly Bill No. 516—An Act making an appropriation to the department of human resources for the support of the tutorial program for economically disadvantaged youths at the Doolittle Community Center; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 3.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 282.

Amend section 1, page 2, by deleting lines 1 through 11 and inserting:

"6. Licensed physicians , [and] registered nurses *and certified physicians' assistants* may serve as attendants without being licensed under the provisions of this section. A registered nurse who performs advanced emergency care in an ambulance or air ambulance must perform the care in accordance with the regulations of the state board of nursing. *A certified physicians' assistant who performs advanced emergency care in an ambulance or air ambulance must perform the care in accordance with the regulations of the state board of medical examiners. In addition, each*

registered nurse and certified physicians' assistant who performs such care shall comply with all applicable regulations adopted pursuant to this chapter regarding the provision of emergency medical service.".

Amend the title of the bill, first and second lines, by deleting: "in certain counties".

Amend the summary of the bill, first line, by deleting: "in certain counties," and inserting a comma.

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 130 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Anderson.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 96.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 167.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 267.

Amend sec. 4, page 1, line 10, by deleting "*deceives or*".

Amend sec. 8, pages 1 and 2, by deleting lines 26 and 27 on page 1 and lines 1 through 13 on page 2 and inserting: "*receive a payment for health care.*".

Amend sec. 10, page 2, by deleting lines 21 through 30 and inserting:

"Sec. 10. (Deleted by amendment.)".

Amend sec. 11, page 2, by deleting lines 39 and 40 and inserting: "*a violation of sections 2 to 12, inclusive, of this act, is also liable for civil penalties that include:*

(a) An amount equal to three times the amount unlawfully obtained;

(b) Not less than $2,000 for each act of deception;

(c) An amount equal to three times the total of the reasonable expenses incurred by the state in enforcing this section; and

(d) Payment of interest on the amount of the excess payment at the rate fixed pursuant to NRS 99.040 for the period from the date upon which payment was made to the date upon which repayment is made pursuant to the plan.".

Amend sec. 12, page 3, line 2, after "*district attorney*" by inserting: "*or attorney general, as appropriate,*".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 170.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 246.

Amend section 1, pages 1 and 2, by deleting lines 8 through 19 on page 1 and lines 1 through 6 on page 2 and inserting: "*state board of examiners. The commission shall not grant more than $2,000,000 per calendar year.*

2. After receiving the notice given pursuant to subsection 1, the state board of examiners shall issue general obligation bonds of the State of Nevada in the amount necessary to generate the amount to be granted by the commission and to pay the expenses related to the issuance of the bonds. The expenses related to the issuance of bonds pursuant to this section must be paid from the proceeds of the bonds, and must not exceed 2 percent of the face amount of the bonds sold. No public debt is created, within the meaning of section 3 of article 9 of the constitution of the State of Nevada, until the issuance of the bonds.

3. The proceeds from the sale of the bonds authorized by this section, after deducting the expenses relating to the issuance of the bonds, must be deposited with the state treasurer and credited to the fund for the preservation and promotion of cultural resources.

4. The provisions of the State Securities Law, contained in chapter 349 of NRS, apply to the issuance of bonds pursuant to this section.

5. The amount of financial assistance granted pursuant to this section must not exceed $10,000,000 for the calendar years 1993 through 1997 or $10,000,000 for the calendar years 1998 through 2002. The total face amount of the bonds issued pursuant to this section must not exceed the sum of:

(a) The amount authorized to be granted pursuant to this subsection; and

(b) The amount necessary to pay the expenses related to the issuance of the bonds, which must not exceed 2 percent of the face amount of the bonds sold.

6. The legislature hereby declares that the issuance of bonds pursuant to this section is a priority of the State of Nevada and that the issuance of bonds pursuant to this section must be given precedence over the issuance of other bonds authorized or required to be issued by the legislature.".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 233C.210 is hereby amended to read as follows:

233C.210 1. The commission for cultural affairs shall establish within 1 year after its formation, and revise every 2 years thereafter, a 10-year plan to:

(a) Preserve and promote Nevada's cultural resources; and

(b) Develop a network of cultural centers and activities in this state.

2. The plan must include:

(a) A description of the means by which a statewide network of cultural centers and activities is to be developed;

(b) A program for awarding financial assistance to *pay the actual expenses of preserving or protecting historical buildings to be used to* develop a network of cultural centers and activities; and

(c) A detailed list of the initial projects to be undertaken.

3. The plan must be submitted to:

(a) The governor;

(b) The legislative commission; and

(c) The state board of examiners.".

Amend sec. 2, page 2, line 15, after "assistance." by inserting: "*Financial assistance may only be awarded for the actual expenses of preserving or protecting historical buildings to be used to develop a network of cultural centers and activities.*".

Amend sec. 3, pages 2 and 3, by deleting lines 44 through 47 on page 2 and lines 1 and 2 on page 3 and inserting: "tural resources [in an amount not to exceed $2,000,000 per year. Not more than $20,000,000 may be used for this purpose in any 10-year period.] *pursuant to NRS 233C.200 to 233C.230, inclusive, and section 1 of this act.*".

Amend the bill as a whole by deleting sec. 4.

Amend sec. 6, pages 3 and 4, by deleting lines 31 through 46 on page 3 and lines 1 through 7 on page 4 and inserting:

"Sec. 6. Notwithstanding the provisions of subsection 1 of section 1 of this act, the commission for cultural affairs may award grants of financial assistance in the calendar year 1993 pursuant to NRS 233C.200 to 233C.230, inclusive, and section 1 of this act, in an amount of not more than $4,000,000.".

Amend the bill as a whole by renumbering sections 7 and 8 as sections 8 and 9 and adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. Money for the payment of bonds issued pursuant to this act will be provided for in the annual tax imposed for the payment of the obligations of the State of Nevada from the consolidated bond interest and redemption fund or by other legislative act.".

Amend the title of the bill by deleting the second and third lines and inserting: "provide revenue for grants for the preservation and protection of certain historical buildings; and providing other matters properly relating thereto.".

Amend the summary of the bill by deleting the second line and inserting: "protection of certain historical buildings. (BDR 18-206)".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 300.

Amend section 1, page 1, by deleting lines 12 and 13 and inserting: "*subsection 1* as a deposit [pursuant to subsection 1. Monthly, in] *to be held in trust for the state. In* accordance with the regulations adopted pursuant to sub-".

Amend section 1, page 1, line 23, after "collected" by inserting: "*or required to be paid*".

Amend sec. 4, page 2, line 45, by deleting "1993," and inserting "1995,".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 438.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 130.

Bill read second time.

The following amendment was proposed by Assemblyman Anderson:

Amendment No. 308.

Amend the title of the bill to read as follows:

"An Act relating to state land; removing obsolete reference to legislative authorization; removing redundant requirement for compliance with otherwise applicable statute; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Removes obsolete and redundant provisions regarding sale or lease of state land or interest therein. (BDR 26-899)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 63, 117, 227, 279 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 242, 335.

REMARKS FROM THE FLOOR

Assemblyman Porter requested that Assemblyman Myrna Williams' remarks be entered in the Journal.

Thank you, Mr. Speaker. I have two very special guests at my desk with me today who I would like to introduce. I will introduce them first. Because of the extensiveness, I need to read some information about one of my guests and I know you will all be impressed and excited about him as I am. Major General Sidney Shachnow and Mrs. Arlene Shachnow are my guests today.

Let me read you a little bit about Major General Sidney Shachnow.

He was born in Kaunas, Lithuania. He was imprisoned for three and a half years during World War II in a German concentration camp before being liberated by the Soviet Army. He lived in Europe until he emigrated to the United States in 1950.

He enlisted in the Army as an infantryman and ended up in the Officer Candidate School as a sergeant first class. He was commissioned in the Infantry in 1960.

His assignments during more than 30 years of commissioned service have been as commander or staff officer with Infantry, Mechanized Infantry, airmobile, airborne, and Special Forces units.

His most recent assignments include Commanding General, United States Army Special Forces Command, Fort Bragg; Commanding General, U. S. Army-Berlin; Director, Washington Office, United States Special Operations Command; Deputy Commanding General, 1st Special Operations Command, Fort Bragg; and Chief of Staff, 1st Special Operations Command, Fort Bragg.

General Shachnow attended Franklin Technical Institute in Boston, graduated from the University of Nebraska, where he majored in business administration and earned a master of science degree in public administration from Shippensburg State College, Shippensburg, Pennsylvania.

His military education includes the Infantry Officer Basic and Advanced Courses, the Special Forces Qualification Course, the Army Command and General Staff College and the Army War College.

General Shachnow's decorations include: the Distinguished Service Medal, The Silver Star with Oak Leaf Cluster, the Defense Superior Service Medal, the Legion of Merit, the Bronze Star with two Oak Leaf Clusters and "V" device, the Purple Heart with Oak Leaf Cluster, the Meritorious Service Medal with two Oak Leaf Clusters, the Air Medal with the numeral "12," the Army Commendation Medal with two Oak Leaf Clusters and "V" device, the Combat Infantryman Badge, the Master Parachutist Badge, the Ranger Tab, the Special Forces Tab and the Republic of Vietnam Gallantry Cross.

The Major General is now the Commanding General at the JFK Special Warfare Center and School and trains approximately 10,000 students annually in more than 60 courses of instruction including Special Forces qualification; Civil Affairs; Psychological Operations; and Survival, Evasion, Resistance and Escape. In addition to its training function, the Center and the School is the proponent for the Army special operations forces' doctrine, force design and equipment.

I know you will want to welcome him and you will be as impressed as I am with General Shachnow and Mrs. Shachnow.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Mildred Harmon, Pamela Ruark, Elizabeth Francis, Martha McNabb, Cheryl Parlin, Rosemary Witt, Silvia Spencer, Mary Fitzgerald, Carol Peace, Lydia Reagan, Pat Wolfrom, Francine Davis, Alice Staley, Kathleen Carr, Jeanne Wilson Clark, Patti Carter, Roberta Ballard, Monica Meehan, Pat Alfonso, Kathleen Edmiston, Debra Zayac, Pattie Parent, Stacey O'Brien, Victoria Hernandez, Faythe

Arias, Carole Vaillaucourt, Bonnie Monahan, Joan Andersen, Alice Lancaster, Mary Koithan, Jucia Brown, Linda Mosley, Ibsley Winkelman-Knudson, Amy Schivertzr, Donna Taker, Jean Lyon, Cheryl Halstad, Darlene Pliml, Pamela Gerbis, Peg Farrar, Alice Erter, Kathy Andradre, Vickie Peterson, Cristina Wood, Bernadette A-dela Cruz, Cathi Peterson, Vickie Gallagher, Jackie Webb, Chris Veach, Laura Limb, Madonna Peterson, Marie Maynick, Robin Smith and Mr. Kevin Gulliver.

On request of Assemblyman Bonaventura, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Peter Walker.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sharon Meade.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Doreen Begley and Gloria Castillo.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Patty Sheehan, Rebecca Gaston and Mr. Mike Gillespie.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Patricia Peer.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Denise Nargi.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Mary Jane Fulgham and the following students from Dyer School: Lucas Michelson, Anabel Miramontes, Lorenzo Molina, Joe Dennis, Ryan Magruder, Dion LaRue, Jeremiah Johnson, Laura Guerrero, Eddy Reynoso, Valerie Dowers, Misty Langton, Eduardo Miramontes, Paco Arias, Robyn Overton, Nick McKellips, Cesar Perez and Matt Lemon.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Loretta Slater.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Colleen Shiraishi and Mr. Robert Bobbett, Jr.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Phyllis Darling and Edythe Katz.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Carol Gibbins.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Major General Sidney Shachnow and Mrs. Arlene Shachnow.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, April 20, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 11:56 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE NINETY-THIRD DAY

CARSON CITY (Tuesday), April 20, 1993

Assembly called to order at 11:12 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

O Thou breath of Life, we ask that You would breathe life into us this day. What we are doing is hard and people want it done yesterday. Please strengthen us. In the name of our Lord. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 241, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 236, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 19, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 68 and requests a conference, and appointed Senators McGinness, Adler and Jacobsen as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 42.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 283, 318, 319, 341.

Also, I have the honor to inform your honorable body that the Senate passed, as amended, Senate Bills Nos. 201, 276.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 7, 131.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 15.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Sader, Porter and Carpenter as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 68.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 31.

Assemblyman Bache moved the adoption of the resolution.

Remarks by Assemblyman Bache.

Resolution adopted, as amended.

Senate Joint Resolution No. 15.

Assemblyman Porter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 517—An Act relating to state employees; allowing an employee to be represented at certain hearings before the personnel commission by a person of his own choosing; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Hettrick (by request):

Assembly Bill No. 518—An Act relating to health care; establishing a patient's right to choose alternative methods of treatment under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 519—An Act relating to traffic laws; increasing the mandatory minimum penalty for a first or second violation of driving under the influence of intoxicating liquor, a controlled substance or certain other substances; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 520—An Act relating to community property; requiring a court, when entering a decree dividing the community income, assets and obligations of a husband and wife under certain circumstances to make an equal division of the property; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 201.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 276.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 283.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 318.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 319.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 341.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 363.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 316.

Amend section 1, page 1, between lines 10 and 11, by inserting: "*The affidavit must contain the evidentiary foundation upon which the results of the test are based, including the description of the test, the personnel involved and the controls employed in conducting the test.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 376.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 389.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 317.

Amend sec. 4, page 3, line 15, by deleting "*otherwise*" and inserting "otherwise".

Amend sec. 4, page 4, by deleting line 12 and inserting: "obtain samples of blood from the person to be tested. Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the alcoholic content or presence of a controlled substance in his blood.".

Amend sec. 16, page 10, line 15, after "affidavit" by inserting: "or declaration made under the penalty of perjury".

Amend sec. 16, page 10, line 18, by deleting the semicolon and inserting "or declarant;".

Amend sec. 16, page 10, line 19, after "affiant" by inserting "or declarant".

Amend sec. 16, page 10, line 20, after "affiant" by inserting "or declarant".

Amend sec. 16, page 10, by deleting line 23 and inserting:

"(d) The identity of the person to whom the affiant or declarant delivered it.".

Amend sec. 16, page 10, line 34, after "affidavits" by inserting "and declarations".

Amend the bill as a whole by adding a new section designated sec. 17, following sec. 16, to read as follows:

"Sec. 17. Sections 4 and 16 of this act become effective at 12:01 a.m. on October 1, 1993.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 416.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 310.

Amend section 1, page 1, by deleting lines 5 and 6 and inserting: "*pipelines in this state which are used to store and transport natural gas, liquefied petroleum gas, in its liquid or vapor form, or any mixture thereof. Regulations adopted pursuant to this subsection do not apply to activities that are subject to the provisions of NRS 590.465 to 590.645, inclusive, or chapter 704 of NRS.*".

Amend sec. 2, page 1, line 21, by deleting "enforce" and inserting: "[enforce] *conduct inspections as an agent of the Federal Government to ensure*".

Amend the title of the bill to read as follows:

"An Act relating to public utilities; authorizing the public service commission of Nevada to adopt regulations relating to the safety of storage facilities and intrastate pipelines for natural gas and liquefied petroleum gas; increasing the civil penalty for a violation of certain regulations concerning safety standards for pipelines used to transport gas; expanding the authority of the commission to enter into certain agreements with the Federal Government to conduct inspections to ensure compliance with federal statutes and regulations governing the safety of storage facilities and interstate pipelines; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill, second line, by deleting: "petroleum products and".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 433.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 442.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 443.

Bill read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 138 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 96.

Bill read third time.

Remarks by Assemblyman Tiffany.

Roll call on Assembly Bill No. 96:

YEAS—42.

NAYS—None.

Assembly Bill No. 96 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 361.

Bill read third time.

Remarks by Assemblymen Petrak and Gibbons.

Conflict of interest declared by Assemblyman Gibbons.

Roll call on Assembly Bill No. 361:

YEAS—41.

NAYS—None.

Not voting—Gibbons.

Assembly Bill No. 361 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 438.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 438:

YEAS—42.

NAYS—None.

Assembly Bill No. 438 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 20, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 26.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Ways and Means:

Assembly Concurrent Resolution No. 43—Directing the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance to limit transfers from the Fund for the Promotion of Tourism.

Assemblyman Arberry moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

Senate Joint Resolution No. 26.

Assemblyman Porter moved that all rules be suspended, reading so far had considered first reading, rules further suspended, Senate Joint Resolution No. 26 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Assemblyman Porter moved that Senate Joint Resolution No. 26 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 26.

Resolution read third time.

Remarks by Assemblymen Myrna Williams, Humke, Porter and Mr. Speaker.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I rise in support of Senate Joint Resolution No. 26. My first session in this body was the first year we had become a sister state with Taiwan. The warmth, pleasure and generosity of the people of Taiwan was very evident then as it is today. We have our beautiful paintings. I would like to thank the people of Taiwan on behalf of the people of the State of Nevada and urge your support.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I, too, rise to support the resolution. In 1986, I visited the Republic of Taiwan and saw the hall where all the sister state relationships were displayed. I saw our flag proudly being flown there. I would like to thank the Coordination Council for this very gracious gift. Thank you.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. I also rise in support of Senate Joint Resolution No. 26. If you have taken a walk through the halls here, you have noticed the beautiful art work that is the subject of this resolution. It is, indeed, lovely, Mr. Speaker.

I have not quite gotten into the tax bracket where I can afford to purchase such lovely items but one of these days, I will get lucky enough. I also want to join with colleagues, Mr. Humke and Mrs. Williams, in thanking the people of Taiwan for their relationship.

I know, due largely to your own effort, Mr. Speaker, and that of Senator Jacobsen in our sister house, the relationship with Taiwan has been an ongoing one. It seems every year that we come here, there is more and more of a better understanding between the two peoples. These kinds of resolutions, these kinds of gifts and exchanges between the people of Taiwan and the people of the State of Nevada foster a better world for all of us. Thank you.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I would just like to say that every year we receive gracious gifts from the Republic of China. We inquired about having the State Seal emblems made in Taiwan. One day the emblems showed up here as a gift from Taiwan. If you look on both ends of the outside of this building, you will see the emblems of the State Seal. We really appreciate all the fine gifts they have given us and the fine relationship we have had. We have had many

delegations go over to their island. We have been treated very graciously and cordially. We really got the red carpet treatment. They are really our friends. We would like to continue that relationship with their country.

Roll call on Senate Joint Resolution No. 26:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 26 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:46 a.m.

ASSEMBLY IN SESSION

At 11:51 a.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 63.

Bill read third time.

Remarks by Assemblyman Heller.

Roll call on Senate Bill No. 63:

YEAS—42.

NAYS—None.

Senate Bill No. 63 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 117.

Bill read third time.

Remarks by Assemblyman Smith.

Roll call on Senate Bill No. 117:

YEAS—42.

NAYS—None.

Senate Bill No. 117 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 227.

Bill read third time.

Remarks by Assemblyman Haller.

Roll call on Senate Bill No. 227:

YEAS—42.

NAYS—None.

Senate Bill No. 227 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 279.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Senate Bill No. 279:

YEAS—42.

NAYS—None.

Senate Bill No. 279 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 20, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 29.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 29.

Assemblyman Augustine moved the adoption of the resolution.

Remarks by Assemblymen Augustine, Myrna Williams, Spitler and Gibbons.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN AUGUSTINE:

Thank you, Mr. Speaker. In addition to the other projects that are noted in Senate Concurrent Resolution No. 29, I would like to mention that the Junior League of Las Vegas is working on a mini grant program which is scholarships awarded to teachers for special Clark County school projects. We are working on "Done In A Day" projects which is a one day renovation of centers, such as the Reach Out Center.

We provide enabling funds for use in the Las Vegas community. These funds are for non-profit agencies, such as Classroom on Wheels Bus, which was available for legislative tour while we were in recess in Las Vegas. The Junior League of Las Vegas is also responsible for the Shade Tree project for homeless women and children, and for the DARE program which has been turned over to the Las Vegas Metropolitan Police Department.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I, too, rise in support of Senate Concurrent Resolution No. 29. I became involved or aware of the good works with Junior League almost ten years ago when we were working on such issues as Displaced Homemakers, Child Support and Family Court. I know that our lieutenant governor, myself, Mrs. Evans and others in here consider the assistance of Junior League on those issues as having been invaluable. I see Mrs. Segerblom's daughter-in-law is sitting with her. At the time, she was very instrumental in these issues and in the assistance of the Junior League. I know we all want to thank them on behalf of the women and children of this state who have benefited. Thank you.

ASSEMBLYMAN SPITLER:

Thank you, Mr. Speaker. I also stand in support of this resolution. I became familiar with Junior League with my involvement with the State Parks Cultural Arts Board. Much to my surprise, I learned in my tenure with the Board, it was Junior League that really gave them the seed money to start that organization. Now, when I go out to Spring Mountain Ranch and see a pavilion built there, you really have to look back and give thanks to the people who had the idea, and a lot of faith, and a lot of volunteers, and then backed away and let it all happen. I think that is what is really important with groups like this who give of their time and energies. I certainly rise in support of commending them for those actions.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. I, too, rise in support of this resolution. In order for us to bring back our focus on the 180 thousand plus members of Junior League who have dedicated their membership in this organization to the betterment of women, children, and those people who are often times less fortunate than we are, their membership does require dedication to volunteerism. The number of times I have sat on committees that have dealt with these issues that they have appeared before, I have noticed the consistent uniformity in their approach to these issues. I think of the many times we have heard their comments on these issues; they have stood tall for those issues that are important to all Americans. Thank you.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 521—An Act relating to criminal procedure; revising the provisions governing penalty hearings upon conviction for first-degree murder; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 522—An Act relating to arbitration of civil cases; consolidating the provisions regarding mandatory arbitration of certain civil cases; providing governmental immunity for persons who serve as arbitrators under the court-annexed program of arbitration; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Humke, Myrna Williams, Evans, Marvel, Spitler, Bennett and Sader:

Assembly Bill No. 523—An Act relating to the family court; expanding the exclusive jurisdiction of the family court to include proceedings for an involuntary court-ordered admission to a mental health facility; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 41; Senate Bills Nos. 7, 131, 292, 320; Senate Joint Resolution No. 12; Senate Concurrent Resolution No. 27.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Nathalie Nass and Bev Carne.

On request of Assemblyman Augustine, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Cathy Bittinger, Jozlyn Buyachek and Helen Johnson.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Kathy Borell.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Liz Conte and Cheryl Bishop.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Tracy Payton.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Jolena Johnson, Beth Reykers, Cathy Harrison, Gigi Valenti, Sheila Ward, Susan Crowell and the following students from St. Teresa School, Carson City: Christian Abbott, Jason Bacigalupi, Brooke Bishop, Sev Carlson, Ian Covington, Charlie Jones, Lida Keller, Anna Leciejewski, Tracy Lee, Billy Nelson, Jennifer Price, Michael Shafer, Marc Sulprizio, Camille Abbott, Courey Amicarella, Greg Anastassatos, Laura Borst, Justin Campbell, Elexia Casteel, Kevin Cote, Joe Covington, David Crowell, Pat Culbert, Eric Dyer, Quinn Fronapfel, Abbey Gardner, B. G. Graber, Desiree Harington, Monique Hilton, Monica Hoy, Kelley Josten, Jennifer Moore, Teague Newman, Regina Pellant, Adam Pruitt, Bridgit Taylor, Kelly Trethan, Elizabeth Ward, Nicole Williams, Heather Lepire, Marc Liveratti and Joseph Lynn.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Ruth Welsh and Mary Wells.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sheila Muhtadi.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Leslie Hayes Vanderwenken and Grace Kroll.

On request of Assemblyman Regan, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Marilyn Rappaport.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Marot Kent Davis.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Debbie Davis.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Wende Bell and Sharon Segerblom.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. H. C. Chan, James Yeh-Jau Liu, Wang Ch'ang-chieh, Paul Mau, James Bryant, Mrs. Chan and Ms. Lily Tsao.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, April 21, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:22 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE NINETY-FOURTH DAY

CARSON CITY (Wednesday), April 21, 1993

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman McGaughey, who was excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

O Lord, Creator of the universe, Father of mankind, lover of all and maker of legislatures, fill us with the beauty of Your presence with us this very day. Thank You.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Joint Resolution No. 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 487, 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN EVANS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 20, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 104, 344.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Senate Bills Nos. 195, 239.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 75.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolutions Nos. 14, 15.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 14:

Assemblyman Porter moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

Senate Concurrent Resolution No. 15:

Assemblyman Porter moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Scherer:

Assembly Bill No. 524—An Act relating to industrial insurance; making the violation of certain provisions concerning industrial insurance punishable as a felony under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Scherer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblyman Scherer:

Assembly Bill No. 525—An Act relating to criminal prosecutions; extending the statute of limitations for the prosecution of sexual abuse of a child under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Scherer moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 104.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 195.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 239.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 344.

Assemblyman Porter moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 236.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 287.

Amend section 1, page 1, by deleting lines 11 and 12 and inserting:

"*4. The board shall assess an administrative fine of:*

(a) For the first such violation, $2,500.

(b) For the second such violation, $5,000.

(c) For the third or subsequent such violation, $10,000.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 241.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 422.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 258.

Amend section 2, page 2, line 11, after "and" by inserting: ", *on or before the fifth working day of each month, deposit with the county treasurer all such fees collected during the preceding month. The county treasurer shall*".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:20 a.m.

ASSEMBLY IN SESSION

At 11:32 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 21, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 30.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 138 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Bache.

Motion carried.

Senate Concurrent Resolution No. 30.

Assemblyman Augustine moved the adoption of the resolution.

Remarks by Assemblymen Augustine, Regan, Price, Humke and Garner.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Collins, Scherer, Hettrick, McGaughey, Bonaventura, Carpenter, Petrak, Wendell Williams and Tiffany:

Assembly Bill No. 526—An Act relating to abortion; expanding the requirements for reporting an abortion; requiring the revocation of the license of a person who fails to comply with the reporting requirements; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 3.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 3:

YEAS—41.

NAYS—None.

Absent—McGaughey.

Assembly Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:41 a.m.

ASSEMBLY IN SESSION

At 11:43 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that the reading of the histories for bills on General File be dispensed with for this legislative day.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 167.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Bill No. 167:

YEAS—41.

NAYS—None.

Absent—McGaughey.

Assembly Bill No. 167 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 170.

Bill read third time.

Remarks by Assemblymen Marvel, Carpenter, Heller and Lambert.

Roll call on Assembly Bill No. 170:

YEAS—40.

NAYS—Lambert.

Absent—McGaughey.

Assembly Bill No. 170 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 376.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Assembly Bill No. 376:

YEAS—41.

NAYS—None.

Absent—McGaughey.

Assembly Bill No. 376 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 386.

Bill read third time.

Remarks by Assemblyman Chowning.

Roll call on Assembly Bill No. 386:

YEAS—41.

NAYS—None.

Absent—McGaughey.

Assembly Bill No. 386 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 433.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 433:

YEAS—41.

NAYS—None.

Absent—McGaughey.

Assembly Bill No. 433 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 442.

Bill read third time.

Remarks by Assemblyman Wendell Williams.

Roll call on Assembly Bill No. 442:

YEAS—41.

NAYS—None.

Absent—McGaughey.

Assembly Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 443.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Bill No. 443:

YEAS—40.

NAYS—Anderson.

Absent—McGaughey.

Assembly Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 130.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Senate Bill No. 130:

YEAS—41.

NAYS—None.

Absent—McGaughey.

Senate Bill No. 130 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 138.

Bill read third time.

Remarks by Assemblymen Bache and Bonaventura.

Assemblyman Bonaventura moved that Assembly Bill No. 138 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bonaventura.

Motion lost.

Remarks by Assemblyman Collins.

Roll call on Assembly Bill No. 138:

YEAS—41.

NAYS—None.

Absent—McGaughey.

Assembly Bill No. 138 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Porter moved that the Assembly recess until 1:30 p.m.

Motion carried.

Assembly in recess at 12:33 p.m.

ASSEMBLY IN SESSION

At 1:54 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 21, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 329.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 329.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 42; Senate Concurrent Resolution No. 28.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Betty Day and Laverna Marwin.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jeanne Peyton.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Reba Coombs, Courtnay Berg, Dale Gray and Kerin Putnam.

On request of Assemblyman Augustine, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Betty Wills.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Iris Bellinger.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Donna Hancock.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Marian Howard.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Maureen Francisco.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Constance Campbell and Christine Shaw.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Pat Menath.

On request of Assemblyman Garner, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Linda Blevins and Linda Featheringill.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Marcy Troescher.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Barbara Doke.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Judy Hanna.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jeanette Whorton.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Juli Dugger and the following students from Carson City High School, Carson City: Lara Baker, Heather Barnet, Beth Brugger, Otis Bryan, Olin Coles, Chris Courtney, Caroline Crowell, Theresa Enders, Eric Fancher, Chris Franklin, Hannah Hall, Crystal House, Brad Huffman, Trisha Koezler, Dustin Lindberg, Michael Magness, Teresa Pieretti, Wendy Ralston, Mila Rich, Brian Smithwick, Jennifer Spain, Vinny Spencer, Robert Tomas, Andrea Whitmore, Deron Wood, Fontell Lewis, Callie Benko, Mary Card, Tami Arndt, Aaron Asher, Derrick Barry, Catherine Borges, Mark Bowers, Maricel Cervantez, John Collins, Corey Dickerson, Veronica Fletcher, David Freeman, Kelly Haugen, Daniel McNeely, Jarrod Miller, Zachary Panik, Amy Robinson, Benjamin Russell, Shane Saucedo, Jeff Thackston, David Thorn,

James Wiseman, Ryan Mills, Courtnay Bettinaren, Amanda Corda, Bryan Easton, Bryan Hoffman, Danelle Huarte, Darla Lafollette, Darrell Lindley, Timothy Mitchell, Katharine Moore, Vincent Picard, Brandy Porter, Moises Robles, Marilyn Rogers, Amie Stevens, Nicole Stevenson, Chandler Swain, Gabriela Tello, Becky Van Hoose, Amoreena Victorine, Lyndi Yankey, Mike Fletcher, Jerry Allec, John Atkinson, Leoney Berg, Chard Cerniglia, Amy Dickerson, Paul Felesina, Cheryl Finnegan, Kevin Fosnaugh, Tracy Ireton, Corey Klette, Patti Mchone, Warren Schader, Alese Smith, Andy Watson, Karl Yonkers, Carrolynne Young, Marcus Hernandez, Heidi Allen, Jeff Bernier, Dan Boler, J. P. Bourgogne, Tiffany Bradley, Laurie Carroll, Kim Carrubba, Shayne Farcello, Crystal Fox, Linnea Gundlach, Jodee Hardman, Robert Holbrook, Jennifer Holloway, Jason Holmes, Amy Homer, Chuck Hopps, Alex Irvin, Daniel Larkin, Monty Lowe, Allen Maddox, Angela Malone, Marjorie Manke, Kevin Murray, Amanda Nelson, Mark Regan, Stacie Reyes, Julie Schoenfeldt, April Simpson, Janel Stryffeler, Bobby Swain, Adam Taylor, Scott Walker, Tara Whitney and Patrick Williams.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Rebecca Whitmore and Carolyn Maynick.

On request of Assemblyman Kenny, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Carolyn Mattews, Diane Randall and Mr. Jon Donnell.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sylvia Mays.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Yhvona "Y" Martin.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Pat Hatch.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Paulette Simpson.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Cindy Southerland and Sara Kaufman.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Linda Chandler-Law and Dianne Laird.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Barbara Tonge, Jessie Caple and Chandra Penderland.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Janet Busse.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Carol Dickerson.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Carolyn Harry.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Judy Gyarmathy.

On request of Assemblyman Toomin, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Marlene Staub.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Barbara Pryor and Bobbie Mikesell.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Marilyn Cole.

Assemblyman Porter moved that the Assembly adjourn until Thursday, April 22, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 2:05 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE NINETY-FIFTH DAY

CARSON CITY (Thursday), April 22, 1993

Assembly called to order at 11:04 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Let us first bow in silence on behalf of our own Carolyn Maynick whose mother passed away.

O Lord, in whom we live, and move, and have our very being, I thank You for this place, its history, and its role in the governmental process. Thank You for the Bibles in the front of this room. May Your word be a constant reminder of who You are, who we are, and what our place is. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 402, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 200, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

LARRY L. SPITLER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 21, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended and on this day passed, as amended, Assembly Bills Nos. 126, 136, 156 and respectfully requests your honorably body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Senate Bills Nos. 41, 174.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that Assembly Bill No. 241 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Carpenter.

Motion carried.

Assemblyman Garner moved that Assembly Bill No. 257 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Garner.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Resolution No. 7—Providing for the appointment of an additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Bonnie Gabelick is elected as an additional attaché of the Assembly for the 67th session of the Legislature of the State of Nevada.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 527—An Act relating to public instruction; authorizing school districts to establish alternative programs for the education of pupils at risk of dropping out of high school; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 41.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 174.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 122, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 329, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 487.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 489.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 9.

Resolution read second time, ordered engrossed and to third reading.

Senate Joint Resolution No. 10.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 363.

Bill read third time.

Remarks by Assemblyman Haller.

Roll call on Assembly Bill No. 363:

YEAS—42.

Nays—None.

Assembly Bill No. 363 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 389.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 341.

Amend sec. 13, page 8, line 6, by deleting "Any" and inserting: "Except as otherwise provided in subsections 5 and 6, a".

Amend sec. 13, page 8, between lines 29 and 30 by inserting:

"6. Except as otherwise provided in subsection 9, if the alcoholic content of the blood of the person to be tested is in issue, he may refuse to submit to a blood test if means are reasonably available to perform a breath test. If the person requests a blood test and the means are reasonably available to perform a breath test, and he is subsequently convicted, he must pay for the cost of the substituted test, including the fees and expenses of witnesses in court.

7. If the presence of a controlled substance in the blood of the person is in issue, the officer may direct him to submit to a blood or urine test, or both, in addition to the breath test.

8. Except as otherwise provided in subsections 5 and 7, a peace officer shall not direct a person to submit to a urine test.

9. Except as otherwise provided in this subsection, a person who refuses to submit to a test required by this section must not be tested. If an officer has reasonable cause to believe that:

(a) The person to be tested was operating or in actual physical control of a vessel while under the influence of intoxicating liquor or a controlled substance; and

(b) The person thereby caused the death or substantial bodily harm of another,

the officer may direct that reasonable force be used to the extent necessary to obtain samples of blood from the person to be tested. Not more than three such samples may be taken during the 5-hour period immediately following the time of the initial arrest. In such a circumstance, the officer is not required to provide the person with a choice of tests for determining the alcoholic content or presence of a controlled substance in his blood.''.

Amend sec. 17, page 10, line 45, after ''4'' by inserting '', 13''.

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 416.

Bill read third time.

Remarks by Assemblymen Kenny and Spitler.

Conflict of interest declared by Assemblyman Spitler.

Roll call on Assembly Bill No. 416:

YEAS—41.

Nays—None.

Not voting—Spitler.

Assembly Bill No. 416 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 257.

Bill read third time.

Remarks by Assemblymen Garner, Regan, Price, Evans, Neighbors, Humke, Myrna Williams, Bonaventura and Collins.

Conflicts of interest declared by Assemblymen Evans, Humke and Regan.

Roll call on Assembly Bill No. 257:

YEAS—39.

Nays—None.

Not voting—Evans, Humke, Regan—3.

Assembly Bill No. 257 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 68, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Committee on Conference, to consist of three members, for the further consideration of the measure.

ROBERT M. SADER	MIKE MCGINNESS
GENE T. PORTER	ERNEST E. ADLER
JOHN C. CARPENTER	LAWRENCE E. JACOBSEN
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 68.

Remarks by Assemblyman Sader.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Smith, Gregory and Anderson as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 68.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Toomin, Anderson, Segerblom, Neighbors, Perkins, Lambert, Smith, Gibbons, Petrak, Bache, Evans, Hettrick, Myrna Williams, Humke, Giunchigliani, de Braga and Augustine:

Assembly Bill No. 528—An Act relating to campaign practices; requiring reports of campaign contributions and expenditures to be filed with the secretary of state; lowering the threshold for the disclosure of contributions received by a candidate; requiring the secretary of state to examine reports of campaign contributions and expenditures and issue a report of his findings; and providing other matters properly relating thereto.

Assemblyman Toomin moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblymen Kenny, Porter, Wendell Williams, Giunchigliani, Evans, Chowning, de Braga, Perkins, Bache, Collins, Anderson, Smith, Bonaventura, Carpenter, Lambert, Haller, McGaughey, Segerblom, Hettrick, Toomin, Petrak, Humke, Tiffany, Garner, Ernaut, Neighbors, Gregory, Heller, Bennett, Freeman, Myrna Williams, Augustine, Marvel, Spitler, Schneider, Dini, Regan, Arberry, Sader, Gibbons, Scherer and Price:

Assembly Bill No. 529—An Act relating to education; requiring the board of trustees of a school district to establish a program of instruction relating to child abuse for younger pupils; and providing other matters properly relating thereto.

Assemblyman Kenny moved that the bill be referred to the Committee on Education.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 22, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 31.

JANICE L. THOMAS
Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 31.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblymen Perkins and Price.

Resolution adopted.

Assemblyman Toomin moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:34 a.m.

ASSEMBLY IN SESSION

At 11:40 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 22, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 32.

JANICE L. THOMAS
Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Neighbors, Carpenter, Hettrick, Segerblom and Marvel:

Assembly Bill No. 530—An Act relating to evidentiary proceedings; revising the statutory provisions that govern the amount of money that must be paid to jurors and witnesses for their service and travel; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 32.

Assemblyman Toomin moved the adoption of the resolution.

Remarks by Assemblyman Toomin.

Resolution adopted.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 63, 117, 227, 279; Senate Joint Resolution No. 26; Senate Concurrent Resolution No. 29.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Kurt Kramer, Bob Kelso and Ms. Sasha Thurman.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Diane Olds and the following students from Agnes Risley School, Reno: Vanessa Bangert, Cressida Broten, Stephanie Correia, Elisabeth Dominguez, Brenda Evans, Casey Gillham, Brian Hicks, Samantha Horning, Susan Horning, Sumit Joshi, Hennah Khan, Maximilian Krochmal, Jacqueline Lemay, Sarah Linares, Nicole Linnan, Romer Mangibin, Matthew Moore, Kraig Morgan, Christopher Nemedez, Zebulon Nomura, Pardeep Ranadey, Jacob Slingland, Amie Thomas, Christopher Thompson, Gabriel Baren, Christinia Buchanan, Oscar Delgado, Vicki Esquivel, Kimberly Garrett, Erika Gorges, Aaron Gross, Lea Jensen, Ryan Johnson, Jesse Koenigsfeld, Brandon Kline, Eric Larson, Mat Marcuerquiaga, Jody Milligan, Kellen Nomura, Angela Oliver, Angeline Peterson, Steven Reich, Bret Rosenheimer, Ian Rossi, Allison Siler, Zack Smith, Andy Stephens and Amanda Strickland.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Charles Keller and the following students from Eagle Valley Junior High School, Carson City: Jesse Bahter, Darlene Black, Angie Cordes, Kiet Anh Dao, Jason Gault-Daub, Tony Dilger, Ron Easton, Laura Huffman, Michael McGarvey, Lori Morrison, Ryan Peters, Josh Rodgers, Leighanna Rogers, David Timmerman, Tony Twisleton, Kim Urrea, Stephanie Wills, Jamie Woods, Tawnya Wynn and Heather Polston.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Master Bret Boyd and Mrs. Adrienne Boyd.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Vernon Wines and Mrs. Virginia Wines.

On request of Assemblyman Toomin, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Robert Gibbons and Frank Taylor.

Assemblyman Porter moved that the Assembly adjourn until Friday, April 23, 1993 at 10 a.m.

Motion carried.

Assembly adjourned at 11:52 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE NINETY-SIXTH DAY

CARSON CITY (Friday), April 23, 1993

Assembly called to order at 10:17 a.m.
Mr. Speaker presiding.
Roll called.
All present except Assemblyman McGaughey, who was excused.
Prayer by the Chaplain, The Reverend Bruce Henderson.

Today, I pray what has been called the "Prayer of a Confederate Soldier."

I asked for strength that I might achieve.
He made me weak that I might obey.
I asked for health that I might do greater things.
I was given grace that I might do better things.
I asked for riches that I might be happy.
I was given poverty that I might be wise.
I asked for power that I might have the praise of men.
I was given weakness that I might feel the need for God.
I asked for all things that I might enjoy life.
I was given life that I might enjoy all things.
I got nothing that I asked for,
But everything I had hoped for.
Despite myself, my prayers were answered.
I am, among all men, most richly blessed.

We, too, Lord are most richly blessed. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 197, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Joint Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 289, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 22, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 189, 245, 279, 307.

JANICE L. THOMAS
Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 35.

Assemblyman Toomin moved the adoption of the resolution.

Remarks by Assemblyman Toomin.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Petrak, Regan, Arberry, Anderson, Spitler, Smith, Kenny, Toomin, Haller, Chowning, Perkins, Myrna Williams, Porter, Wendell Williams, Evans, Gregory, de Braga, Carpenter, Hettrick, Bonaventura, Heller, McGaughey, Bennett, Marvel, Lambert, Gibbons, Giunchigliani and Garner:

Assembly Bill No. 531—An Act relating to elections; limiting the circumstances under which certain special elections may be held; eliminating the authority to hold certain other special elections; authorizing the submission of certain matters to the voters at a primary election; and providing other matters properly relating thereto.

Assemblyman Petrak moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 532—An Act relating to public utilities; allowing federal law enforcement agencies to obtain the name and address of persons listed in the records of a public utility; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 122.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 128.

Amend sec. 2, page 1, line 20, by deleting "*The*" and inserting: "*Except as otherwise provided in this subsection, the*".

Amend sec. 2, page 2, by deleting lines 1 through 8 and inserting: "*waste, material or substance. Payment of the reimbursement is due within 60 days after the person receives notice from the director of the amount due. The provisions of this section do not apply to a spill or leak of or an accident involving natural gas or liquefied petroleum gas while it is under the responsibility of a public utility.*

3. At the request of the director, the attorney general shall initiate recovery by legal action of the amount of any unpaid reimbursement plus interest at a rate determined pursuant to NRS 17.130 computed from the date of the incident.

4. As used in this section:

(a) "Does not act promptly and appropriately" means that the person:

(1) Cannot be notified of the incident within 2 hours after the initial attempt to contact him;

(2) Does not, within 2 hours after receiving notification of the incident, make an oral or written commitment to clean and decontaminate the affected area properly;

(3) Does not act upon the commitment within 24 hours after making it;

(4) Does not clean and decontaminate the affected area properly; or

(5) Does not act immediately to clean and decontaminate the affected area properly, if his inaction presents an imminent and substantial hazard to human health, public safety or the environment.

(b) "Responding" means any efforts to".

Amend sec. 2, page 2, by deleting lines 12 and 13.

Amend sec. 2, page 2, line 14, by deleting "*(c)*" and inserting "*(1)*".

Amend sec. 2, page 2, line 16, by deleting "*(d)*" and inserting "*(2)*".

Amend sec. 2, page 2, line 18, by deleting "*(e)*" and inserting "*(3)*".

Amend sec. 3, page 2, by deleting lines 19 and 20 and inserting:

"Sec. 3. *As used in NRS 459.750 to 459.770, inclusive:*

1. "Does not act promptly and appropriately" means that the person:

(a) Cannot be notified of the incident within 2 hours after the initial attempt to contact him;

(b) Does not, within 2 hours after receiving notification of the incident, make an oral or written commitment to clean and decontaminate the affected area properly;

(c) Does not act upon the commitment within 24 hours after making it;

(d) Does not clean and decontaminate the affected area properly; or

(e) Does not act immediately to clean and decontaminate the affected area properly, if his inaction presents an imminent and substantial hazard to human health, public safety or the environment.

2. "Responding" means any efforts to mitigate, attempt to mitigate or assist in the".

Amend sec. 3, page 2, by deleting lines 23 and 24.

Amend sec. 3, page 2, line 25, by deleting "*3.*" and inserting "*(a)*".

Amend sec. 3, page 2, line 26, by deleting "*4.*" and inserting "*(b)*".

Amend sec. 3, page 2, line 27, by deleting "*5.*" and inserting "*(c)*".

Amend sec. 8, page 4, line 34, by deleting "Any" and inserting: "[Any] *Except as otherwise provided in this subsection, any*".

Amend sec. 8, page 4, by deleting lines 40 through 42 and inserting: "of the amount due. The [agency shall impose an administrative penalty of 5 percent of the amount of the reimbursement for each day the amount remains unpaid after the date the payment for reimbursement is due.] *provisions of this section do not apply to a spill of or an accident involving natural gas or liquefied petroleum gas while it is under the responsibility of a public utility.*".

Amend sec. 8, page 5, line 5, by deleting "and penalty." and inserting: "[and penalty.] *plus interest at a rate determined pursuant to NRS 17.130 computed from the date of the incident.*".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 200.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 276.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 481.140 is hereby amended to read as follows:

481.140 *1.* The Nevada highway patrol is composed of the following personnel appointed by the director:

[1.] *(a)* One chief; and

[2.] *(b)* Such number of inspectors, supervisors, troopers and commercial officers as the director determines necessary to perform the duties set forth in NRS 481.180, within the limits of legislative appropriations therefor.

2. The chief shall create a unit consisting of at least six troopers whose primary duty is to enforce NRS 482.385. He shall assign to the unit at least:

(a) Three troopers for duty in the largest county in this state;

(b) Two troopers for duty in the second largest county; and

(c) One trooper in a rural county whose population is increasing rapidly.".

Amend section 1, page 1, line 2, by deleting: "2 and 3" and inserting: "3 and 4".

Amend sec. 2, page 1, lines 4 and 5, by deleting: "*issuance, renewal or correction*" and inserting "*issuance*".

Amend sec. 3, page 1, line 13, by deleting "*5*" and inserting "*10*".

Amend the bill as a whole by deleting sections 4 and 5 and adding new sections designated sections 5 through 7, following sec. 3, to read as follows:

"Sec. 5. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsection 4 and NRS 482.390, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this state has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this state without its registration in this state pursuant to the provisions of this chapter and without the payment of any registration fees to this state.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this state.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. When a person, formerly a nonresident, becomes a resident of this state, he shall [, within 45] *:*

(a) Within 30 days after becoming a resident [,] *; or*

(b) At the time he obtains his driver's license,

whichever occurs sooner, apply for the registration of any vehicle which he owns and which is operated in this state.

4. Any resident operating a motor vehicle upon a highway of this state which is owned by a nonresident and which is furnished to the resident operator for his continuous use within this state, shall cause this vehicle to be registered within [45] *30* days after beginning its operation within this state.

5. A person registering a vehicle pursuant to the provisions of subsection 3, 4 or 6 of this section or pursuant to NRS 482.390 must be assessed the registration fees and privilege tax, as required by the provisions of this chapter and chapter 371 of NRS. He must not be allowed credit on those taxes and fees for the unused months of his previous registration.

6. If a vehicle is used in this state for a gainful purpose, the owner shall immediately apply to the department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive.

7. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the department for cancellation.

8. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public.

Sec. 6. NRS 483.245 is hereby amended to read as follows:

483.245 1. When a person becomes a resident of Nevada as defined in this chapter and chapter 482 of NRS he must, within [45] *30* days, obtain a Nevada driver's license as a prerequisite to driving any motor vehicle in the State of Nevada.

2. Where a person who applies for a license has a valid driver's license from a state which has requirements for issuance of drivers' licenses comparable to those of the State of Nevada, the department may issue a Nevada license under the same terms and conditions applicable to a renewal of a license in this state.

3. In carrying out the provisions of this chapter, the director is authorized to enter into reciprocal agreements with appropriate officials of other states concerning the licensing of drivers of motor vehicles.

Sec. 7. The chief of the Nevada highway patrol shall, on or before January 15, 1995, submit a report to the director of the legislative counsel bureau for transmission to the members of the 68th session of the legislature regarding the cost-effectiveness of the dedicated staffing required in section 1 of this act. The report shall include an estimate of the increase in revenue which was generated by heightened enforcement of the statutory requirement of registration.".

Amend the title of the bill to read as follows:

"An Act relating to motor vehicles; requiring the creation of a unit within the Nevada highway patrol dedicated to the enforcement of the provision requiring registration; revising provisions regarding the detection of persons who have not complied with provisions requiring registration; reducing the period within which new residents must obtain a Nevada driver's license and register their motor vehicles in this state; authorizing the citation of a vehicle for noncompliance with the requirement for registration regardless of whether the vehicle is parked or in operation; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes regarding enforcement of provision requiring registration of motor vehicles in this state. (BDR 43-1481)".

Assemblyman Augustine moved the adoption of the amendment.

Remarks by Assemblymen Augustine and Gibbons.

Assemblyman Augustine moved that Assembly Bill No. 200 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Augustine.

Motion carried.

Assembly Bill No. 370.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 251.

Amend section 1, page 1, line 11, by deleting "*school; or*" and inserting "*school;*".

Amend section 1, page 1, line 12, after "*(b)*" by inserting: "*On a bus, van or any other motor vehicle owned, leased or chartered by a school district to transport pupils or school employees; or*

(c)".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 402.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 329.

Bill read second time and ordered to third reading.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:34 a.m.

ASSEMBLY IN SESSION

At 10:38 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Augustine moved that Assembly Bill No. 200 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Augustine.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 200.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 276.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 481.140 is hereby amended to read as follows:

481.140 *1.* The Nevada highway patrol is composed of the following personnel appointed by the director:

[1.] *(a)* One chief; and

[2.] *(b)* Such number of inspectors, supervisors, troopers and commercial officers as the director determines necessary to perform the duties set forth in NRS 481.180, within the limits of legislative appropriations therefor.

2. The chief shall create a unit consisting of at least six troopers whose primary duty is to enforce NRS 482.385. He shall assign to the unit at least:

(a) Three troopers for duty in the largest county in this state;

(b) Two troopers for duty in the second largest county; and

(c) One trooper in a rural county whose population is increasing rapidly.".

Amend section 1, page 1, line 2, by deleting: "2 and 3" and inserting: "3 and 4".

Amend sec. 2, page 1, lines 4 and 5, by deleting: "*issuance, renewal or correction*" and inserting "*issuance*".

Amend sec. 3, page 1, line 13, by deleting "*5*" and inserting "*10*".

Amend the bill as a whole by deleting sections 4 and 5 and adding new sections designated sections 5 through 7, following sec. 3, to read as follows:

"Sec. 5. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsection 4 and NRS 482.390, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this state has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this state without its registration in this state pursuant to the provisions of this chapter and without the payment of any registration fees to this state.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this state.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. When a person, formerly a nonresident, becomes a resident of this state, he shall [, within 45] *:*

(a) Within 30 days after becoming a resident [,] *; or*

(b) At the time he obtains his driver's license,

whichever occurs sooner, apply for the registration of any vehicle which he owns and which is operated in this state.

4. Any resident operating a motor vehicle upon a highway of this state which is owned by a nonresident and which is furnished to the resident

operator for his continuous use within this state, shall cause this vehicle to be registered within [45] *30* days after beginning its operation within this state.

5. A person registering a vehicle pursuant to the provisions of subsection 3, 4 or 6 of this section or pursuant to NRS 482.390 must be assessed the registration fees and privilege tax, as required by the provisions of this chapter and chapter 371 of NRS. He must not be allowed credit on those taxes and fees for the unused months of his previous registration.

6. If a vehicle is used in this state for a gainful purpose, the owner shall immediately apply to the department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive.

7. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the department for cancellation.

8. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public.

Sec. 6. NRS 483.245 is hereby amended to read as follows:

483.245 1. When a person becomes a resident of Nevada as defined in this chapter and chapter 482 of NRS he must, within [45] *30* days, obtain a Nevada driver's license as a prerequisite to driving any motor vehicle in the State of Nevada.

2. Where a person who applies for a license has a valid driver's license from a state which has requirements for issuance of drivers' licenses comparable to those of the State of Nevada, the department may issue a Nevada license under the same terms and conditions applicable to a renewal of a license in this state.

3. In carrying out the provisions of this chapter, the director is authorized to enter into reciprocal agreements with appropriate officials of other states concerning the licensing of drivers of motor vehicles.

Sec. 7. The chief of the Nevada highway patrol shall, on or before January 15, 1995, submit a report to the director of the legislative counsel bureau for transmission to the members of the 68th session of the legislature regarding the cost-effectiveness of the dedicated staffing required in section 1 of this act. The report shall include an estimate of the increase in revenue which was generated by heightened enforcement of the statutory requirement of registration.''.

Amend the title of the bill to read as follows:

''An Act relating to motor vehicles; requiring the creation of a unit within the Nevada highway patrol dedicated to the enforcement of the provision requiring registration; revising provisions regarding the detection of persons who have not complied with provisions requiring registration; reducing the period within which new residents must obtain a Nevada driver's license and register their motor vehicles in this state; authorizing the citation of a vehicle for noncompliance with the requirement for registration regardless of whether the vehicle is parked or in operation; and providing other matters properly relating thereto.''.

Amend the summary of the bill to read as follows:

"Summary—Makes various changes regarding enforcement of provision requiring registration of motor vehicles in this state. (BDR 43-1481)".

Assemblyman Augustine moved the adoption of the amendment.

Remarks by Assemblymen Augustine, Perkins and Anderson.

Amendment adopted.

Assemblyman Spitler moved that Assembly Bill No. 200 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 533—An Act relating to gaming; revising certain fees collected from restricted gaming licensees to correspond to fees collected from nonrestricted licensees; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 236.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Assembly Bill No. 236:

YEAS—41.

NAYS—None.

Absent—McGaughey.

Assembly Bill No. 236 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 422.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 422:

YEAS—41.

NAYS—None.

Absent—McGaughey.

Assembly Bill No. 422 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 487.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Assembly Bill No. 487:

YEAS—41.

NAYS—None.

Absent—McGaughey.

Assembly Bill No. 487 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 489.

Bill read third time.

Remarks by Assemblymen Schneider, Price, Arberry and Sader.

Roll call on Assembly Bill No. 489:

YEAS—41.

NAYS—None.

Absent—McGaughey.

Assembly Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 9.

Resolution read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Joint Resolution No. 9:

YEAS—41.

NAYS—None.

Absent—McGaughey.

Assembly Joint Resolution No. 9 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 10.

Resolution read third time.

Remarks by Assemblyman Evans.

Roll call on Senate Joint Resolution No. 10:

YEAS—41.

NAYS—None.

Absent—McGaughey.

Senate Joint Resolution No. 10 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Bache, Anderson, Smith, Giunchigliani, Chowning, Neighbors, Spitler, Haller, Price, Evans, Collins, Gregory, Kenny, Carpenter, Regan, Toomin, Humke, Arberry, Bonaventura, Hettrick, Perkins, de Braga, Freeman, Tiffany, Petrak, Bennett, Lambert, Wendell Williams, Segerblom, Garner and Sader:

Assembly Bill No. 534—An Act relating to education; adopting a formula to determine the mobility of pupils; making an appropriation to the depart-

ment of education for distribution among the county school districts for reimbursement of related expenses; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Sader moved that the Assembly do not recede from its action on Senate Bill No. 75, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Sader.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Sader, Porter and Carpenter as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 75.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Carpenter, Dini, Neighbors, de Braga, Marvel, Gibbons, Ernaut, Segerblom, Collins, Smith and Hettrick:

Assembly Bill No. 535—An Act relating to state obligations; expanding the class of publicly owned water systems which is eligible to receive a grant for capital improvements; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 30.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Marjorie Fisher, Rhonda Rybacki, Kixi Pugh, Janet Labarry and the following students from Veterans Memorial Elementary School, Reno: Jessica Alejos, Chad Bradfield, Cindy Chavez, John Coan, Scott Decell, Eufemia Diaz, Stephanie Farris, Edward Juliano, Kellie Labarry, Mayra Maya, James Miletich, Robert Moore, Manuel Ortega, Miriam Ortiz, Kristine Pangilinan, Christopher Rose, Juan Ruiz, Emanuel Sedano, Sara Solano, Jason Thompson, Shazuth Woods, Rose Yturbide, Amber Akhtar, Margarita Alfaro, Vania

Apodaca, Cara Cunningham, Casandra Darrough, Jason Handog, Joel Jayme, Indu Kannan, Matt Miletich, Zach Miletich, Jill Serran, Lisa Wilson, Heather Kleeber, Lynn Moran and Michael York.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Wellington Mathison, Allen McNitt, Mss. Frances Mathison, Betsy McNitt and the following students from Carson City Adventist School, Carson City: Kimberly Wilson, Matthew Earhart, Josh Galarza, Kerian Hoskins, Danielle Hoskins, Andrew Earhart, Laura Wilson, Rachel Dulco, Mark Earhart, Jamy Galarza and Amanda McNitt.

Assemblyman Porter moved that the Assembly adjourn until Monday, April 26, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 11:02 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE NINETY-NINTH DAY

CARSON CITY (Monday), April 26, 1993

Assembly called to order at 11:18 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Ernaut and Regan, who were excused.

Prayer by the Chaplain, The Reverend Albert Tilstra.

We pray today for our troubled world. We are surrounded by civil unrest, economic doom, personal uncertainties. People are filled with suspicion and fear, animosity and greed. You have allowed these men and women to be elected to help unite us in high adventure of building a better world, and starting right in our own neighborhoods. Give each of them the courage to speak and act their convictions. May they be more concerned with Your roll call of their actions than the report card of the people. We ask these things in the name of our God. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 23, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Assembly Concurrent Resolution No. 21, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 17.

JANICE L. THOMAS
Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 17:

Assemblyman Porter moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Assemblyman Carpenter moved that Assembly Bill No. 241 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Carpenter.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 536—An Act making an appropriation to the legislative counsel bureau for the reproduction of older Nevada Reports; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 492.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 335.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 9 as sections 1 through 8.

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 11.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 197.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 337.

Amend section 1, page 1, by deleting lines 3 through 8 and inserting: "*A health authority shall not prohibit the use of a public spa by a person at least 7 years of age but less than 12 years of age who is under direct adult supervision.*".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 289.

Bill read second time and ordered to third reading.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:28 a.m.

ASSEMBLY IN SESSION

At 11:43 a.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 389.

Bill read third time.

Remarks by Assemblyman Petrak.

Roll call on Assembly Bill No. 389:

YEAS—40.

NAYS—None.

Absent—Ernaut, Regan—2.

Assembly Bill No. 389 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 402.

Bill read third time.

Remarks by Assemblymen Wendell Williams and Price.

Roll call on Assembly Bill No. 402:

YEAS—39.

NAYS—None.

Absent—Ernaut, Regan—2.

Not voting—Sader.

Assembly Bill No. 402 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 329.

Bill read third time.

Remarks by Assemblymen Arberry and Giunchigliani.

Assemblyman Chowning requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. The Distributive School Account (DSA) is the budget through which the state distributes direct financial aid to local school districts. The legislature determines the level of state aid for schools, and each district's share is developed through a formula which is called the Nevada Plan. The plan allows for the differences across districts in the costs of providing education and in local wealth. The total guaranteed support level, which is intended to cover about 80 percent of the school district's operating funds, is a responsibility shared by the local school district and the state and is guaranteed by the state in the sense that if local resources are insufficient, the state makes up the difference.

Section 1 of Senate Bill No. 329 provides a supplemental appropriation of roughly $51 million to the DSA to make up the shortfall. This payment is due to the districts by May 1, 1993. Thank you, Mr. Speaker.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I will make the following disclosure these individuals: Wendell Williams, Stephanie Smith, Douglas Bache, Bernie Anderson and Chris Giunchigliani. On the advice of counsel, we are school teachers on an unpaid leave of absence. We will not benefit any differently than any other teacher with either a "yes" or "no" vote. Therefore, we will be voting on this bill.

Today, we are all torn between our duty to be fiscally responsible and our duty to fight for those who cannot vote, the children. Senate Bill No. 329 is simply a reflection of

unstable taxes, recession, lack of courage and lack of vision. We were elected to do a job and not maintain the status quo. We have a problem in this state and it goes beyond just education funding.

We have not established tax and social policies, nor five, ten and 20 year plans which could be a road map for this state. We are no longer a small state. We are the fastest growing state in the nation, yet, we are not willing to determine what services the public wants, or what services they are willing to fund. We have woefully under funded budgets because growth does not pay for itself. The fact is, we still fund our budget on sales taxes which is regressive and volatile.

The Governor had to make tough decisions during the interim due to revenue shortfalls, and the legislature supported him. This bill simply codifies his request that school districts reduce budgets by five percent. Yet, there is an underlying problem here that is not being addressed. This will be the first time in the history of this state, since the Nevada Plan was enacted, that we are rolling back the per pupil expenditure. That, in and of itself, is frightening. The second point is that districts are not being made whole by returning the per pupil funding to the current level. The one time $18 million that they have lost to the five percent cut will not be returned and those program cuts will stay in place.

Further, the budget before Ways and Means and Senate Finance does not deal with the 24,000 new students who will be entering our school systems over the biennium. In fact, the budget enrollment projects a 5.1 percent increase in enrollment, yet the budget is only funded for a 3.5 percent increase. The per pupil funding must be increased over the biennium and to do nothing about it is nothing short of a crime.

When people say they have made education a top priority, they have not shown that through the budgeting process over the years. For example, Nevada has fallen to forty-first in the nation in the area of revenue provided to education by state governments. In 1991, 57.5 percent of the state budget went to education. In 1993, it has fallen to 53.7 percent of the budget.

Despite our commitment to class size reduction, due to the inadequate funding that we have, we are now ranking fortieth in the nation.

Special Education funds are held flat and we still do not fully fund them, causing districts to have to fund an unfunded mandate to the tune of over $17 million.

School counselors still are not provided at all the schools and the funding is short in the proposed budget. Kindergarten still is not mandatory and it is not fully funded. At-risk children and programs continue to be under funded. Much needed occupational programs are grossly inadequate.

I could go on and on with numbers, but perhaps the following sums up our state commitment to education funding. We spend $3,312 per pupil, yet on the average we spend $15,000 per prison inmate and up to $30,000 for some prison inmates. To me, this is unconscionable.

We will be voting today to codify the Governor's five percent cuts and to support the supplemental appropriation in the bill because it is the fiscally responsible thing to do. But it does not end here.

We must go back to the budgets and properly fund not only education but mental health programs, senior needs, aid to dependent children, service to the blind and others. It is our responsibility to return Nevada's funding to a stable base. It is our responsibility to secure a broad based tax. It is our responsibility to stop worrying about re-election and return to what is right. For those of us who ran on change, we have nothing less to do. We must represent our constituency and go on living with ourselves. Perhaps Mahatma Ghandi said it best:

> It is not the critic who counts, nor the man who points out how the strong man stumbles, or where the doer of deeds could have done better.
>
> The credit belongs to the man who is actually in the arena; whose face is marred by dust and sweat; who strives valiantly; who errs and may fail again, because there is no effort without error or shortcoming, but who does actually strive to do the deeds; who does know the great enthusiasm, the great devotion; who spends himself in a worthy cause; who at the best, knows in the end the triumph of high achieve-

ment, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who know neither victory nor defeat.

Thank you, Mr. Speaker.

Roll call on Senate Bill No. 329:

YEAS—40.

NAYS—None.

Absent—Ernaut, Regan—2.

Senate Bill No. 329 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 241.

Bill read third time.

Remarks by Assemblyman Kenny.

Roll call on Assembly Bill No. 241:

YEAS—38.

NAYS—Carpenter, McGaughey—2.

Absent—Ernaut, Regan—2.

Assembly Bill No. 241 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 189, 245, 279, 307; Assembly Resolution No. 7; Senate Concurrent Resolutions Nos. 31, 32.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Judith Strasser, Lesley Chumrau, Pat Mathews, Mr. George Hastings and the following students from Billinghurst Middle School, Reno: Paul Allen, Tina Atkinson, Lea Baker, Danielle Bushard, Amy Casados, Kristin Claman, Erin Daugherty, Cassandra Deperalta, Laurie Fisher, Bradi Gianti, Kristina Gonzalez, Ivan Henderson, Jonathan Joannides, Tyler Kuraisa, Jeremy Ledbetter, John Limon, Margaurite McDonough, Shelly Moon, Lindsey Morris, Bradley Petersen, Jaime Reyes, Jason Roy, Jennifer Stewart, Jamie Turner, Brett Warne, Randon Wolfe, John Jenkins, Rose Ball, Leslie Bliss, Robert Buchholz, Beau Chambers, Summer Clowers, Robert Dickerman, William Epker, Dawn Fraley, Deken Gossett, Lonie Johnson, Derek Keaveney, Justin Lampley, Danielle Mayabb, Breeann McKeen, Ryan McLaughlin, Michael Merkley, Matthew Miller, Stacie Moore, Dylan Phillips, Joshua Prosser, Dustin Ring, Alvaro Romero, Heather Scott, Nicki Shea, Emily Silverberg, Charlotte Smith, Robert Stover, Jennifer Tabor, Jenniefer Tillery, Meghan Tontimonia, Justin Twedt, Jamie Agee, Rebecca Booth, Jason Carrara, Travis Christensen, Jeremy Corless, Gregory Doiron, Michelle

Glazner, Amelia Gwaltney, Jason Hansen, Wendy Iverson, Lucas Jung, Erin Knepper, Diana Latour, Krista Mayer, Sean McGuire, Jessica Miles, Christopher Morgan, Cameron Paschall, Jessica Ponsock, Sahit Rawat, Deanna Razek, James Reeser, Nathan Roach, Erica Shoberg, Lena Smith Michelle Torrez, Chad Tulloch, Dino Vogiatzis, Kristen Walthers, Monica Wilson and Brian Wiltshire.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Janet Corey, Karen Sherre, Kathy Banks, Jane Barakat, Cheryl Terry, Carole Dustin, Julie Albonico, Messrs. Nicholas Bogan, Alan Corey, William Dwinell, Bill Wemple and the following students from Richmond School, Susanville: Lindsey Albers, Marc Albonico, Michele Auman, Megan Barakat, Greg Burke, Mario Cascarelli, Lisa Darnell, Diana Dustin, Jessica Jones, Cameo King, Matthew May, Daniel Nanau, Mike Nielsen, Ashley Standford, Nicholas Terry, Justin Robertson, Laben Banks, Holly Coombe, Cassie Dunn, Derrek Ellena, Daniel Green, Levi O'Loughlin, Brandon Rogne, Kevin Fleming, Mike Dwinell, Janelle Butner Wemple, Amber Banks, John Bishop, Heather Gillaspie and Bob Nielsen.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, April 27, 1993 at 10 a.m.

Motion carried.

Assembly adjourned at 12:08 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDREDTH DAY

CARSON CITY (Tuesday), April 27, 1993

Assembly called to order at 10:12 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Regan, who was excused.

Prayer by the Chaplain, The Reverend Albert Tilstra.

Today, we again come to You, our God, with thanksgiving in our hearts for allowing us to live in a country that allows us to live in peace and safety. We pray for those in this world who are living in times of war. Give to these, our elected representatives, the wisdom to make those decisions that will benefit all of us, so that our country will remain blessed with freedoms that have been established for so many years. We pray this in the name of the One who has given us ultimate freedom. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 388, 393, 470, 481, 501, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 522, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Concurrent Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 186, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was re-referred Assembly Bill No. 162, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bills Nos. 127, 263, 330, 341, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 355; Senate Bills Nos. 50, 53, 109, 157, 171, 270, 336, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Price, Dini, Anderson, Arberry, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Ernaut, Evans, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Haller, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Regan, Sader, Scherer, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin, Myrna Williams and Wendell Williams:

Assembly Concurrent Resolution No. 44—Declaring the week of April 26 as Nevada Thunderbird Week.

WHEREAS, The famous Air Demonstration Squadron of the United States Air Force, known throughout the world as the Thunderbirds, has made its home at Nellis Air Force Base for the past 38 years; and

WHEREAS, This year marks the 40th anniversary of the Thunderbirds as they continue to amaze spectators from all parts of the world with precision maneuvers in the F-16C, the front-line fighter aircraft of the Air Force; and

WHEREAS, The Thunderbirds have performed in 56 countries before 250 million people, earning respect and admiration for themselves and the Air Force; and

WHEREAS, The 145 men and women that constitute the Thunderbird team exhibit the qualities of professionalism, dedication and patriotism that best reflect this nation and this state; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the week of April 26 is hereby declared Nevada Thunderbird Week; and be it further

RESOLVED, That it is with great pride that the Nevada Legislature commends this outstanding team; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Lieutenant Colonel Daniel J. Darnell, Commander/Leader of the United States Air Force Air Demonstration Squadron.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblymen Porter and Price.

Resolution adopted unanimously.

Assemblyman Porter moved that all rules be suspended and that Assembly Concurrent Resolution No. 44 be immediately transmitted to the Senate.

Motion carried unanimously.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:22 a.m.

ASSEMBLY IN SESSION

At 11:16 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Concurrent Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 436, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 12.

Assemblyman Petrak moved the adoption of the resolution.

Remarks by Assemblyman Petrak.

Resolution adopted.

Senate Concurrent Resolution No. 6.

Assemblyman Chowning moved the adoption of the resolution.

Remarks by Assemblyman Chowning.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 537—An Act relating to state parks; designating Tule Springs State Park; designating the Floyd Lamb Museum; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 538—An Act relating to watercraft; prohibiting the operation of a vessel within a certain distance of a diver's flag; increasing the distance from a diver that a diver's flag may be displayed; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen Toomin, Gibbons, Chowning, Humke, Scherer, Segerblom, de Braga, Wendell Williams, Petrak, Hettrick, Collins, Lambert, Haller, Freeman, Evans, Neighbors, Kenny, Gregory, Spitler, Price, Heller, Smith, Bache, Tiffany, Anderson, Myrna Williams, Giunchigliani and Carpenter:

Assembly Bill No. 539—An Act relating to the legislature; requiring the itemized disclosure of certain expenditures by lobbyists; and providing other matters properly relating thereto.

Assemblyman Toomin moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 540—An Act relating to domestic violence; revising the provisions governing the issuance of protective orders for victims of domestic violence; requiring the court to transmit temporary protective orders by electronic or telephonic transmission to a facsimile machine at the jail where the adverse party is being held under certain circumstances; requiring the arresting officer to make an application for such an order when requested to do so under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Joint Resolution No. 30—Proposing to amend the Nevada constitution to require that certain proceedings of the commission on judicial discipline be open and public.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 21 of article 6 of the constitution of the State of Nevada be amended to read as follows:

Sec. 21. 1. A justice of the supreme court or a district judge may, in addition to the provision of article 7 for impeachment, be *reprimanded,* censured, retired or removed by the commission on judicial discipline. A justice or judge may appeal from the action of the commission to the supreme court, which may reverse such action or take any alternative action provided in this subsection.

2. The commission is composed of:

(a) Two justices or judges appointed by the supreme court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and

(c) Three persons, not members of the legal profession, appointed by the governor.

The commission shall elect a chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or if it fails to do so the court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. The supreme court shall make appropriate rules for:

(a) The confidentiality of all proceedings before the commission, except a decision to *reprimand,* censure, retire or remove a justice or judge [.] *, and except as limited by subsection 6.*

(b) The grounds of *reprimand or* censure.

(c) The conduct of investigations and hearings.

6. *If the commission determines that there is probable cause that there are grounds to reprimand, censure, remove or retire a justice or judge, all subsequent proceedings of the commission concerning the matter must be open and public.*

7. No justice or judge may by virtue of this section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

[7.] *8.* Any person may bring to the attention of the commission any matter relating to the fitness of a justice or judge. The commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter shall be served upon the justice or judge against whom the proceeding is brought. The commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this section is entitled thereafter to receive such compensation as the legislature may provide.

[8.] *9.* If a proceeding is brought against a justice of the supreme court, no justice may sit on the commission for that proceeding. If a proceeding is brought against a district judge, no judge from the same judicial district may sit on the commission for that proceeding. If an appeal is taken from an action of the commission to the supreme court, any justice who sat on the commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the commission is disqualified by this subsection, the supreme court shall appoint a substitute from among the eligible judges.

[9.] *10.* The commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the legislature may from time to time confer upon it.

Assemblyman Myrna Williams moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 45—Limiting the number of requests that may be submitted to the Legislative Counsel during the interim for drafting and directing the completion of 1,000 bill drafts before the first day of the 68th session of the Nevada Legislature.

Assemblyman Myrna Williams moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 122.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Assembly Bill No. 122:

YEAS—41.

NAYS—None.

Absent—Regan.

Assembly Bill No. 122 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 370.

Bill read third time.

Remarks by Assemblymen Wendell Williams and Bonaventura.

Roll call on Assembly Bill No. 370:

YEAS—41.

NAYS—None.

Absent—Regan.

Assembly Bill No. 370 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 11.

Resolution read third time.

Remarks by Assemblymen Price, Evans, Carpenter, Humke and Freeman.

Roll call on Assembly Joint Resolution No. 11:

YEAS—35.

NAYS—Collins, Ernaut, Heller, Hettrick, Marvel, Spitler—6.

Absent—Regan.

Assembly Joint Resolution No. 11 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 289.

Bill read third time.

Remarks by Assemblyman Heller.

Roll call on Senate Bill No. 289:

YEAS—41.

NAYS—None.

Absent—Regan.

Senate Bill No. 289 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced that the Assembly wished to extend its thanks to the Smithers-Oasis from Dayton, Nevada for the bouquet adorning the Assembly Chambers and that there will be a legislative reception sponsored by the Nevada Manufacturer's Association at the Smithers-Oasis facility in Dayton tonight from 4 to 7 p.m.

Assemblyman Giunchigliani moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:41 a.m.

ASSEMBLY IN SESSION

At 11:53 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 27, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 44.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 541—An Act relating to emergency medical services; revising the provisions governing the content of the regulations adopted by the state board of health which establish certain standards for the designation of a hospital as a center for the treatment of trauma; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen de Braga, Carpenter, Marvel, Collins, Regan, Bache, Haller, Lambert, Gibbons, Kenny, Garner, Evans, McGaughey, Wendell Williams, Hettrick, Schneider, Neighbors and Petrak:

Assembly Bill No. 542—An Act relating to governmental action; requiring state agencies and political subdivisions of the state to take certain precautions to avoid the taking of private property; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 126.

The following Senate amendment was read:

Amendment No. 243.

Amend section 1, page 1, by deleting lines 9 through 11 and inserting:

"2. *The state fire marshal shall make available, upon request, the reference guide developed pursuant to subsection 1*".

Assemblyman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 126.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered enrolled.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair to be in joint recess with the Senate for the purpose of introducing the United States Air Force Thunderbirds.

Assembly in recess at 11:59 a.m.

ASSEMBLY IN SESSION

At 12:16 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Brigadier General Tony Tolin, Ms. Judy Day and Mr. David Dwulit.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Captain Eric Schnaible.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Captain Clark "Buck" Rogers.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Captain Walt Sarafin and Ms. Lois Balken.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Captain Jeff Rochelle, Mss. Marlene Cate, Diana Ghio, MiMi MeLarkey, Gail Sande, Linda Russell, Amy Hueftle, Darlene McDonald, Cecil Buell, Linda Levitt, Ellen Wright, Susan Amestoy, Mr. Fred Ransohoff and the following students from Roy Gomm School, Reno: Charles Allred, Erin Amestoy, Anne Bailey, Justin Barba, Rachael Barrett, Charles Beasley, Joseph Beversdorf, Scott Blagen, Jacob Blanchard, Rachel Bowers, Evan Buell, Anthony Carano, Adolfo Carreras, Alison Chumrau, Brian Clark, Derek Codega, Marla Davee, Jeffrey DeYoung, Richard Dilks, Lacey Dixon, Colin Dougherty, Maureen Egan, Maryann Etezadi-Amoli, Angela Ezell, Jonathan Farber, Stephany Gordon, Michael Gray, Patrick Hess, Jonathan Hicks, Jacquelyn Hueftle, Christopher Jones, Aaron Kapetan, Taryn Killian, Keri Kosach, Cynthia Levitt, Erin Lyle, Michael MacDonald, Lisa Manca, Michael Mayhall, Daniel McKinley, Megan McLane, Molly Mentaberry, Andrea Miery, Allegra Miller, Pearl Ormsby, Glenn Osborne, Katie Parento, Nathan Pearson, Angelina Perri, Melanie Pokroy, Michael Ransohoff, Sandra Reader, Bryan Riley, Patrick Russell, James Sande, Samantha Scott, Kiera Sears, Rebecca Shipley, Jessica Shonkwiler, Kathleen Stark, Nicole Stock, Olympia Stokes, Samantha Sumner, Alison Sutton, Katie Toftdahl, Michael Venturacci, Theodore Wells, Tyler Williams, Robert Williamson and Jarett Wright.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Major General Tom Griffith.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Captain Jim Evanko.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Lieutenant Colonel Dan Darnell.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Captain Matt Byrd.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Staff Sergeant Michael Moore.

On request of Assemblyman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Captain Pete McCaffrey.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Major Mike Major.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Captain John Switzer.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, April 28, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:17 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIRST DAY

CARSON CITY (Wednesday), April 28, 1993

Assembly called to order at 11:11 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Albert Tilstra.

In the name of the Master, who was never in a hurry, we pray today. We ask that You slow us down for we know that we live life too fast. If we are to burn ourselves out, may it be in a cause worth dying for. Deliver us from wasting time; teach us how to use it wisely and well. We ask all these favors in Your great name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Bennett moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Bill No. 429, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Concurrent Resolution No. 16, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 22, 441, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 27, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 162.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 69, 108, 164, 254.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Labor and Management:

Assembly Concurrent Resolution No. 46—Designating April 28, 1993, as Workers Memorial Day in Nevada.

WHEREAS, On April 28, 1993, the American Federation of Labor and Congress of Industrial Organizations will observe Workers Memorial Day, a day to remember workers who have been killed, injured or diseased on the job and to renew the commitment to prevent these tragedies in the future; and

WHEREAS, This date has significance in that it is the anniversary of the Occupational Safety and Health Act; and

WHEREAS, Every year more than 6 million workers are killed, injured or diseased on the job which amounts to approximately one worker every 5 seconds; and

WHEREAS, Too often these tragedies and the devastation they cause for the workers, their families and co-workers are quickly forgotten; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 67th session of the Nevada Legislature hereby designates April 28, 1993, to be Workers Memorial Day in Nevada; and be it further

RESOLVED, That residents of Nevada are hereby urged to observe this day by recognizing the need for strengthening the safety in the workplace so that future tragedies are prevented.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblyman Giunchigliani.

Resolution adopted unanimously.

Assemblyman Giunchigliani moved that all rules be suspended and that Assembly Concurrent Resolution No. 46 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Concurrent Resolution No. 16.

Assemblyman Garner moved the adoption of the resolution.

Remarks by Assemblyman Garner.

Resolution adopted.

Assemblyman Price moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:21 a.m.

ASSEMBLY IN SESSION

At 11:24 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 543—An Act relating to school property; allowing the state public works board, upon the request of a board of trustees of a school district, to waive the requirements of submitting certain plans for approval

that relate to the erection of any new school building or certain additions to or alterations of an existing school building; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 544—An Act relating to fire extinguishers; excluding the sale of certain fire extinguishers from licensing requirements; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 545—An Act relating to taxation; revising the provisions governing the manner of determining the value of certain possessory interests in property for the purposes of imposing property taxes; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 69.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 108.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 162.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 164.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 254.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Senate Bill No. 127 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Freeman.

Motion carried.

By the Committee on Judiciary:

Assembly Joint Resolution No. 31—Urging Congress to require the return of unclaimed securities distributions to the states from which they were paid.

Assemblyman Sader moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Concurrent Resolution No. 47—Directing the Legislative Commission to conduct an interim study on the laws governing the creation of taxing districts.

Assemblyman Price moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 162.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 79.

Amend section 1, page 2, line 1, by deleting "*6*" and inserting "*3*".

Amend sec. 2, page 2, line 34, by deleting "6" and inserting "3".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 186.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 355.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 388.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 294.

Amend section 1, pages 2 and 3, by deleting lines 16 through 48 on page 2 and lines 1 through 31 on page 3, and inserting: "balance of the administrative assessment. The city treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 5. The county treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 6.

5. The money collected for administrative assessments in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) One dollar and fifty cents to the county treasurer for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders.

(b) Two dollars and fifty cents for credit to a special account in the municipal general fund for the exclusive use of the municipal courts. *Any money remaining in the special account at the end of the second fiscal year after its receipt reverts to the municipal general fund if it has not been committed for expenditure in accordance with a plan for the acquisition of capital goods. The city shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special account.*

(c) The remainder of each assessment to the state treasurer for credit to a special account in the state general fund.

6. The money collected for administrative assessments in justices' courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) One dollar and fifty cents for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders.

(b) Two dollars and fifty cents for credit to a special account in the county general fund for the exclusive use of the justices' courts. *Any money remaining in the special account at the end of the second fiscal year after its receipt reverts to the county general fund if it has not been committed for expenditure in accordance with a plan for the acquisition of capital goods. The county shall provide, upon request by a justice's court, monthly reports of the revenue credited to and expenditures made from the special account.*

(c) The remainder of each assessment to the state treasurer for credit to a special account in the state general fund.

7. The money apportioned to a juvenile court , *justice's court* or a municipal court pursuant to this section must be used, in addition to providing services to juvenile offenders in the juvenile court, to improve the operation of the court .[and to acquire a computer or the use of one.]

8. Of the total amount deposited in the state general fund pursuant to subsections 5 and 6, the state controller shall distribute the money received, to the extent of legislative authorization, to the following public agencies in the following manner:

(a) Not less than [51] *49* percent must be distributed to the office of the court administrator for allocation as follows:

(1) Eighteen and one-half percent of the amount distributed to the office of the court administrator for the administration of the courts.

(2) Nine percent of the amount distributed to the office of the court administrator for the development of a uniform system for judicial records.

(3) Nine percent of the amount distributed to the office of the court administrator for continuing judicial education.

(4) Sixty percent of the amount distributed to the office of the court administrator for the supreme court.

(5) Three and one-half percent of the amount distributed to the office of the court administrator for the payment for the services of retired justices and retired district judges.

(b) Not [more than 49] *less than 51* percent must be [used to the extent of legislative".

Amend section 1, pages 3 and 4, by deleting lines 47 and 48 on page 3 and lines 1 through 3 on page 4, and inserting:

"*9. Money allocated and distributed to a public agency other than the peace officers' standards and training committee pursuant to this*".

Amend section 1, page 4, by deleting lines 18 through 20 and inserting: "*credited to the special account. Any balance of the sums distributed pursuant to subsection 8 remaining at the end of the second fiscal year after its receipt must not be expended after that date, unless the commitment for delayed expenditure is in accordance with a plan for the acquisition of capital goods, and reverts to the state general fund.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Assemblyman Sader moved that Assembly Bill No. 388 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 393.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 320.

Amend section 1, page 1, by deleting lines 11 through 16 and inserting: "*guilty or is found guilty but at the time of his sentencing is incarcerated in another jurisdiction, he may waive his right to be present at the sentencing proceedings and thereby agree to the imposition of sentence in his absence.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 430.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 377.

Amend section 1, page 1, line 6, by deleting the colon and inserting: "*for educational purposes:*".

Amend sec. 25, page 5, by deleting lines 3 and 4 and inserting:

"Sec. 25. *The state land registrar may waive a fee for the issuance of any*".

Amend sec. 26, page 5, line 14, by deleting the comma and inserting: "*for educational purposes,*".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 436.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 454.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 470.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 328.

Amend sec. 2, page 2, by deleting lines 7 through 12 and inserting: "*participation in foreign gaming or his filing of an application for licensing or related approval pertaining to the proposed participation, whichever is earlier, deposit with the board and thereafter maintain a refundable revolving fund in the amount of $10,000 to pay the expenses of investigation by the board of his participation in foreign gaming. The commission may in a particular case increase or decrease the required amount of the revolving fund, but the board or commission shall not require a licensee to establish more than one such revolving fund. Upon the licensee's termination of all proposed and actual participation in foreign gaming, the board shall refund the remaining balance in the licensee's revolving fund.*".

Amend sec. 3, page 3, line 6, after "*by the*" by inserting "*board or*".

Amend sec. 3, page 3, line 8, after "*participation*" by inserting: "*in foreign gaming*".

Amend sec. 3, page 3, line 16, by deleting the colon and inserting: "*any of the following information which is within the knowledge of the licensee:*".

Amend sec. 4, page 3, line 35, by deleting the colon and inserting ", *knowingly:*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblymen Sader and Scherer.

Conflict of interest declared by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 481.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 359.

Amend section 1, pages 1 and 2, by deleting lines 14 through 25 on page 1 and lines 1 and 2 on page 2.

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 501.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 364.

Amend section 1, page 1, by deleting lines 1 through 11 and inserting:

"Section 1. NRS 178.502 is hereby amended to read as follows:

178.502 1. A person required or permitted to give bail shall execute a bond for his appearance. The magistrate or court or judge or justice, having regard to the considerations set forth in NRS 178.498, may require one or more sureties or may authorize the acceptance of cash or bonds or notes of the United States in an amount equal to or less than the face amount of the bond.

2. Any bond or undertaking for bail must provide that the bond or undertaking extends, for a period of [at least] 1 year unless bail is exonerated earlier pursuant to the provisions of subsection 4, to any action or proceeding in a justice's court, municipal court or district court:

(a) Arising from the charge on which bail was first given in any of these courts; and

(b) Arising from a later charge, filed before the expiration of the periods provided in subsection 4, which is substantially similar to the charge upon which bail was first given and is based upon the same act or omission as that charge.

This subsection does not require that any bond or undertaking extend to proceedings on appeal.

3. If an action or proceeding against a defendant who has been admitted to bail is transferred to another trial court, the bond or undertaking must be transferred to the clerk of the court to which the action or proceeding has been transferred.

4. If the action or proceeding against a defendant who has been admitted to bail is dismissed, the bail must not be exonerated until a period of 30 days has elapsed from the entry of the order of dismissal unless the defendant requests that bail be exonerated before the expiration of the 30-day period. If no formal action or proceeding is instituted against a defendant who has been admitted to bail, the bail must not be exonerated until a period of 30 days has elapsed from the day the bond or undertaking is posted unless the defendant requests that bail be exonerated before the expiration of the 30-day period.

5. If, within the periods provided in subsection 4, the defendant is charged with a public offense arising out of the same act or omission

supporting the charge upon which bail was first given, the prosecuting attorney shall forthwith notify the clerk of the court where the bond was posted, the bail must be applied to the public offense later charged, and the bond or undertaking must be transferred to the clerk of the appropriate court. Within 10 days after its receipt, the clerk of the court to whom the bail is transferred shall mail notice of the transfer to the surety on the bond and the bail agent who executed the bond.

6. Bail given originally on appeal must be deposited with the magistrate or the clerk of the court from which the appeal is taken.''.

Amend the title of the bill to read as follows:

''An Act relating to bail; revising the period during which a bail bond must extend; and providing other matters properly relating thereto.''.

Amend the summary of the bill to read as follows:

''Summary—Revises period during which bail bond must extend. (BDR 14-1925)''.

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Assemblyman Sader moved that Assembly Bill No. 501 be re-referred to the Committee on Judiciary.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Judiciary.

Assembly Bill No. 522.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 50.

Bill read second time and ordered to third reading.

Senate Bill No. 53.

Bill read second time and ordered to third reading.

Senate Bill No. 109.

Bill read second time and ordered to third reading.

Senate Bill No. 157.

Bill read second time and ordered to third reading.

Senate Bill No. 171.

Bill read second time and ordered to third reading.

Senate Bill No. 263.

Bill read second time and ordered to third reading.

Senate Bill No. 270.

Bill read second time and ordered to third reading.

Senate Bill No. 330.

Bill read second time and ordered to third reading.

Senate Bill No. 336.
Bill read second time and ordered to third reading.

Senate Bill No. 341.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 492.
Bill read third time.
Remarks by Assemblyman Gregory.
Roll call on Assembly Bill No. 492:
YEAS—42.
NAYS—None.

Assembly Bill No. 492 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 197.
Bill read third time.
Remarks by Assemblymen Toomin, Segerblom, Price, Bonaventura and Evans.
Roll call on Senate Bill No. 197:
YEAS—38.
NAYS—Bonaventura, Carpenter, Gregory, Haller—4.

Senate Bill No. 197 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 156.
The following Senate amendment was read:
Amendment No. 284.
Amend sec. 3, page 2, line 39, by deleting "[may] *must*" and inserting "may".
Assemblyman Spitler moved that the Assembly concur in the Senate amendment to Assembly Bill No. 156.
Remarks by Assemblyman Spitler.
Motion carried.
Bill ordered enrolled.

Assembly Concurrent Resolution No. 21.
The following Senate amendment was read:
Amendment No. 306.
Amend the resolution, page 1, line 10, by deleting "shorten" and inserting "simplify".
Amend the title of the resolution, second line, by deleting "shorten" and inserting "simplify".

Amend the summary of the resolution, first line, by deleting "shorten" and inserting "simplify".

Assemblyman Evans moved that the Assembly concur in the Senate amendment to Assembly Concurrent Resolution No. 21.

Remarks by Assemblyman Evans.

Motion carried.

Resolution ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 126; Senate Bill No. 329; Senate Joint Resolution No. 10.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Betty Reymus, Karen Thompson and Mr. Martin Wilson.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Barbara Fleischer and the following students from Wooster High School, Reno: Christopher Aguerre, Todd Capdeville, Alex Chable, Stella Cheung, William Clements, Joseph Courville, Tom Crook, Jaunice Cumpton, Chad Dahlberg, Mike Dance, Karen Downes, Mark Drakulich, Matthew Duran, Nathan Edwards, Casey Engels, Jolene Johnson, Richard Johnson, Sung Kim, Amanda Loudenburg, Nicole Lupan, Kevin McGuire, Christopher Moss, Robin Pelt, Sara Power, Randy Rankin, Matthew Reyes, Douglas Rounds, Johnathan Sanders, Branden Sanz, Torrey Schweickert, Wade Seekatz, Brett Skubitz, Michael Taylor, April Tillmanns, Angelique Williams, Bart Black, Justin Caufield, Benjamin Cline, Jenny Collett, Eric Crowley, Edward Ellmaker, Yuchong Feda, Tyrel Fredericks, Sean Frey, Tyler Hanson, Gilberto Hernandez, Douglas Hoffman, Kaulana Kanekoa, Ji Kim, Dwayne Kink, Damion Koger, Wylie Lund, Phillip McInnis, Christina Mentel, Joshua Minucci, Jared Northon, Joshua Patterson, Michael Peck, Maria Pina, Rebecca Stoll, Charmaine Valles, Sharlyn Walker, Nicholas Willingham, Gabriel Wilson, Trevor Winn and Tracy Zeleniak.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Mary Badner, Laverda Beran, Messrs. Larry Vlna and John Ols.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Janae Giurlani.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Martin Wilson.

On request of Assemblyman Toomin, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Beverly Danziger and Mr. Edward Danziger.

Assemblyman Porter moved that the Assembly adjourn until Thursday, April 29, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:12 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SECOND DAY

CARSON CITY (Thursday), April 29, 1993

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Marvel, who was excused.

Prayer by the Chaplain, The Reverend Albert Tilstra.

We come in prayer this morning, O Lord, to join our hearts in our acknowledgment of our great need of Your guidance. We know that by ourselves we are not sufficient for these days. We are finding out that government of the people, by the people is not good enough. We pray for government of the people, by God. Hear our prayer, O Lord, and grant unto the members of this body Your wisdom. These things we ask in Your name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 50, 53, 109, 157, 171, 263, 270, 330, 336, 341 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 186.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 186:

YEAS—41.

NAYS—None.

Absent—Marvel.

Assembly Bill No. 186 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 355.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 355:

YEAS—40.

NAYS—Porter.

Absent—Marvel.

Assembly Bill No. 355 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 436.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 436:

YEAS—41.

NAYS—None.

Absent—Marvel.

Assembly Bill No. 436 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 454.

Bill read third time.

Remarks by Assemblymen Wendell Williams, Bache, Giunchigliani, Smith and Anderson.

Conflicts of interest declared by Assemblymen Wendell Williams, Bache, Giunchigliani, Smith and Anderson.

Roll call on Assembly Bill No. 454:

YEAS—41.

NAYS—None.

Absent—Marvel.

Assembly Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 522.

Bill read third time.

Remarks by Assemblymen Petrak, Gibbons and Sader.

Roll call on Assembly Bill No. 522:

YEAS—41.

NAYS—None.

Absent—Marvel.

Assembly Bill No. 522 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing musical excerpts from *Kiss Me Kate* by the Western Nevada Community College.

Assembly in recess at 11:20 a.m.

ASSEMBLY IN SESSION

At 11:39 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 465, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 434, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bills Nos. 118, 119, 195, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Assembly Bills Nos. 116, 124, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 28, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 68 and requests a second conference, and appointed Senators James, Smith and Titus as a second Committee on Conference to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 68.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 18, 46.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 282, 357.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 286, 291, 294, 343.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 130.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 29, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 33.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 33.

Assemblyman Gibbons moved the adoption of the resolution.

Remarks by Assemblymen Gibbons, Anderson and Mr. Speaker.

Assemblyman Humke requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. Often times, we as humans fail to realize the benefit and value people and their efforts have on our lives until they are tragically taken from us.

Today, we recognize formally, and rightfully so, the efforts of those individuals, the risks they take to save lives, and the impact their efforts have on all of us. Their challenge and duty is to save lives. They do so through the use of high tech equipment, including aircraft and helicopters.

Tragically, every now and then, an accident will occur. On the evening of November 27, 1991, one such tragedy occurred when a helicopter suffered a major structural failure en route to a hospital in Reno. That tragedy took the lives of many people who were very deeply committed not only to their profession, but to the people and the lives they saved through the years. The lives that were taken from us are today memorialized in this piece of paper we have before us. I think among all other things, we remember what they have done for all of us. The deepest sorrow and regret we have as human beings for their loss is transcribed in a few words, but in our own hearts and memories we want to take this opportunity to extend to those who died our thoughts of the loss for their families and our deepest regrets. I know as we look at this resolution, we are confronted with the idea of just how much they have contributed to our community and when you look at the number of lives they have saved and the number of patients that they have carried, over 10,000 people, and nearly 1,700 lives saved since they instituted their operation. In the Reno area alone, Care Flight and REMSA have had a significant benefit on our community.

Mr. Speaker, there are a number of people in the audience and seated among us today I would like to introduce after we vote on this resolution. At this point in time, this will conclude my remarks.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I also rise in support of Senate Concurrent Resolution No. 33. Although Mr. Gibbons very eloquently stated the intent and our heartfelt sympathy toward the immediate families, I think it is for all of us to realize and recognize the extent this group of people put forth for our community and our society every day to risk their lives so that others might survive for just a few minutes longer. It is a much needed resolution, and my heartfelt feelings join those of Mr. Gibbons.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

If I might digress for just a few moments. If it were not for Care Flight, the people in Yerington and the people I represent would not have very good health care. Almost every day, they fly to Yerington to pick up patients at the Lyon County Health Center. They fly across the front of my house, so I know when they are in town. We always know when there is trouble at the hospital. They do a great service for all of us in rural Nevada.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Scherer, Bache, Lambert, Anderson, Tiffany, Garner, Arberry, Price, Collins, de Braga, Regan, Segerblom, Petrak and Carpenter:

Assembly Bill No. 546—An Act relating to trade practices; establishing a procedure to allow a person who provides an express warranty to post a performance bond to guarantee the terms of the warranty; and providing other matters properly relating thereto.

Assemblyman Scherer moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Scherer, Ernaut, Petrak, Tiffany, Haller, Chowning, Smith, Gibbons, Gregory, Heller, Humke, Bonaventura, Toomin, Collins, Augustine, Bache, Hettrick, Perkins, de Braga, Bennett, Anderson, Porter, Freeman, Garner, Sader, Arberry, Spitler, Price, Regan, Segerblom and Carpenter:

Assembly Bill No. 547—An Act relating to the governor; authorizing the governor to establish a toll-free telephone number to receive suggestions from members of the general public regarding methods for improving the efficiency of state government; and providing other matters properly relating thereto.

Assemblyman Scherer moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Bache, Giunchigliani, Arberry, Segerblom, Carpenter, Schneider, Kenny, Haller, Hettrick, Bonaventura, Perkins, Regan, Anderson, Toomin, McGaughey, Neighbors, Spitler, Collins, de Braga, Petrak, Price, Chowning, Wendell Williams, Gibbons, Gregory, Evans, Smith, Scherer, Porter, Garner and Humke:

Assembly Bill No. 548—An Act relating to credit; prohibiting a credit reporting agency from reporting debts of which it is informed by third parties; prohibiting collection agencies from informing credit reporting agencies of claims for collection; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 549—An Act relating to industrial insurance; limiting the use of an additional rating obtained by an injured employee to determine the percentage of disability resulting from an industrial injury; revising the manner in which benefits in a lump sum are paid to certain claimants with permanent partial disabilities; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 550—An Act relating to regional transportation commissions; revising the authority of a regional transportation commission to adopt regulations for the operation of systems or services financed by the commission; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Hettrick (by request):

Assembly Bill No. 551—An Act relating to traffic laws; changing the factors for determining when a person who has exceeded the national speed limit is guilty of unnecessary waste of a resource currently in short supply; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 552—An Act relating to elections; revising the requirement relating to the submission of a petition for the recall of a public officer for verification of the signatures contained thereon; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 282.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 286.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 291.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 294.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 343.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 357.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 22.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 81.

Amend sec. 2, page 2, by deleting lines 23 through 38 and inserting:

"*1. Except as otherwise provided in this section and NRS 284.180, the services and employment of all persons who are now, or may hereafter be, employed by the State of Nevada are hereby limited and restricted to not more than 8 hours in any 1 calendar day and not more than 40 hours in any 1 week.*

2. The period of daily employment mentioned in this section commences from the time the employee takes charge of any equipment of the employer or acts as an assistant or helper to a person who is in charge of any equipment of the employer, or enters upon or into any conveyance of or operated by or for the employer at any camp or living quarters provided by the employer for the transportation of employees to the place of work.

3. Nothing in this section applies to:

(a) Officers of the State of Nevada.

(b) Employees of the State of Nevada who:

(1) Are engaged as employees of a fire department, or to nurses in training or working in hospitals, or to police or employees who work in correctional facilities; or

(2) Are executive, administrative, professional or supervisory employees.

(c) Employees of the legislative counsel bureau.

(d) Work done directly by any public utility company pursuant to an order of the public service commission of Nevada or other public authority.

4. Any employee whose hours are limited by subsection 1 may be permitted, or in case of emergency where life or property is in imminent danger may be required, at the discretion of the officer responsible for his employment, to work more than the maximum number of hours allowed.".

Amend the title of the bill by deleting the second and third lines, and inserting: "be received for overtime; consolidating certain provisions regarding state employees; and providing other matters properly".

Amend the summary of the bill to read as follows:

"Summary—Allows certain state employees to choose form of compensation for overtime. (BDR 23-468)".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 429.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 441.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 366.

Amend section 1, page 1, after line 15, by inserting:

"*3. The district is not entitled to receive any distribution of supplemental city-county relief tax.*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblymen Garner, Price and Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 156; Assembly Concurrent Resolutions Nos. 21, 44; Senate Bills Nos. 130, 289; Senate Concurrent Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Joan Anderson and Amy Phelps.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. John Linardos, Barry O'Sullivan and Ms. Dona Lisenbee.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Kevin Matteoni.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Don Matteoni and Mrs. Molly Matteoni.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Virginia Pisciotta and Margaret Tole.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Stephen Dean and Ms. Kara Maddox.

On request of Assemblyman Garner, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. David Miley and Mrs. Carolyn Miley.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Patrick Smith and Ms. Jane Miller.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. James Roberts and Ms. Christine Boothe.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Lynne Heller.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Andrea Renata, Amaral Saretta, Messrs. Marlon Henvit, George Duggan, Ron Westphal, Denny Cavnar, Frank Mournighan, John Vanderventor, Tim Kawcek, John Hagland and the following students from Rite of Passage School, Gardnerville: John Carpenter, Neil Lawrence, Sammy Seachan, Richard Newens, Richard Fry, Micheal Ferrell, Hameed Donaldson, Derrick Smith, Chris Clark, Daniel Neunanos, Raul Garcia, Telley Watts, Joseph Romo, Fernondo Guiterez, Robert Owen, Ronnie Deleney, Ricky Seaphon, Tom Ismail, Trynnell Davis, Frank Johnson, Marcus Romero, Ken Yount, Jay Kvann, Rafeal Ampier, Larry Burton, Jason McBride, Ryan Smith, Joe Suchenski, Paul Villalobos, Hector Salas, Sean Scroggins and Jose Ayala.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Robert Deery and Ms. Gail Palchikoff.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Ron Schwartz and Ms. Penny Bennett.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Tom Deinema and Ms. Jodi Larson.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Joe Polizzi.

Assemblyman Porter moved that the Assembly adjourn until Friday, April 30, 1993 at 10 a.m.

Motion carried.

Assembly adjourned at 12:16 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRD DAY

CARSON CITY (Friday), April 30, 1993

Assembly called to order at 10:05 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, The Reverend Albert Tilstra.

Father, give us the faith to believe that it is possible for us to live victoriously, even in the middle of dangerous opportunity that we call crisis. May we not make it more difficult for You to guide us. May Your will be done in us and through us for the good of all mankind. Keep each safe over this weekend, we ask in Your Holy name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 93, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 94, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Concurrent Resolution No. 33, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MYRNA WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bill No. 311; Assembly Joint Resolution No. 27, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN EVANS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 29, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 40, 60.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 59, 79, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 369, 388.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 149, 193.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 33.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblyman Giunchigliani.

Resolution adopted.

Assemblyman Garner moved that Senate Bill No. 157 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Freeman moved that Senate Bill No. 127 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Freeman.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 553—An Act relating to hospitals; increasing the number of persons that serve on certain boards of hospital trustees; increasing the amount of compensation certain trustees are entitled to receive; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 554—An Act making an appropriation to the department of human resources for the establishment of a grant program for organizations that provide prenatal care to low-income women; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 555—An Act relating to the public employees' retirement system; providing for the payment of an allowance or benefit from the system to an alternate payee pursuant to a domestic relations order; changing the period for which a person who is assigned to an intermittent or temporary position is not eligible to become a member of the system; making various changes relating to the payment of contributions to the system by employees and employers; revising the provision governing the use of banking and trust services by the public employees' retirement board; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Scherer:

Assembly Bill No. 556—An Act relating to children; authorizing the formation of multidisciplinary teams to review and investigate the deaths of children; and providing other matters properly relating thereto.

Assemblyman Scherer moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 149.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 193.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 369.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 388.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 116.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 326.

Amend the bill as a whole by deleting sections 1 through 5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 459.3824 is hereby amended to read as follows:

459.3824 1. The [division shall charge and collect an inventory fee from each person who is required to register pursuant to the Superfund Amendments and Reauthorization Act of 1986 (Pub. L. No. 99-499). The inventory fee is $100 and must be used by the division to cover the costs incurred in developing the inventory of regulated facilities pursuant to NRS 459.3828. Each such registrant shall pay the inventory fee one time only and is not required to pay an inventory fee for each separately located facility.

2. In addition, each registrant who is the] owner of a regulated facility shall pay to the division an annual fee based on the fiscal year. The annual fee for each [registrant] *facility* is the sum of a base fee set by the state environmental commission and any additional fee imposed by the commission pursuant to subsection [3.] *2.* The annual fee must *be prorated and may* not be [prorated or refunded.

3.] *refunded.*

2. The state environmental commission may impose an additional fee upon [each registrant who is] the owner of a regulated facility in an amount determined by the commission to be necessary to enable the division to carry out its duties pursuant to NRS 459.380 to 459.3874, inclusive. The additional fee must be based on a graduated schedule adopted by the commission which takes into consideration the [volume] *quantity* of hazardous substances located at each facility.

[4.] *3.* After the [initial inventory and the] payment of the initial annual fee, the division shall send [each registrant who is] the owner of a regulated facility a bill in July for the annual fee for the fiscal year then beginning which is based on the applicable reports for the preceding year.

[5.] *4.* All fees collected pursuant to this section and any interest earned thereon must be deposited with the state treasurer for credit to the fund for precaution against chemical accidents, which is hereby created as a special revenue fund.".

Amend the title of the bill to read as follows:

"An Act relating to hazardous materials; authorizing the proration of the annual fee paid by owners of regulated facilities; deleting an obsolete provision; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes proration of annual fee paid by regulated facilities for hazardous materials. (BDR 40-364)".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 124.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 132.

Amend section 1, pages 1 and 2, by deleting lines 1 through 25 on page 1 and lines 1 and 2 on page 2, and inserting:

"Section 1. NRS 414.040 is hereby amended to read as follows:

414.040 1. A division of emergency management is hereby created within the department of the military. The director of the division is appointed by and holds office at the pleasure of the governor. The division is the state agency for civil defense and the director is the state's director of civil defense.

2. The director may employ technical, clerical, stenographic and other personnel as may be required, and may make such expenditures therefor and for other expenses of his office within the appropriation therefor, or from other money made available to him for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

3. The director, subject to the direction and control of the adjutant general, shall carry out the program for emergency management in this state. He shall coordinate the activities of all organizations for emergency management within the state, maintain liaison with and cooperate with agencies and organizations of other states and of the Federal Government for emergency management and carry out such additional duties as may be prescribed by the adjutant general.

4. To facilitate the development of a comprehensive, coordinated approach to emergency management, the director may develop an integrated process, using the partnership of governmental entities, business and industry and other interested persons, for the mitigation of, preparation for, response to and recovery from emergencies. In developing this process, he may suggest activities designed to:

(a) Eliminate or reduce the probability that an emergency will occur or to reduce the effects of unavoidable disasters;

(b) Prepare state and local governmental agencies, private organizations and other persons to be capable of responding appropriately if an emergency occurs by fostering the adoption of plans for emergency operations, the training of necessary personnel and the acquisition of necessary resources;

(c) Provide assistance to victims, prevent further injury or damage to persons or property and increase the effectiveness of recovery operations; and

(d) Restore the operation of vital community life-support systems and return persons and property affected by an emergency to a condition that is comparable to what existed before the emergency occurred.".

Amend the title of the bill to read as follows:

"An Act relating to emergency management; authorizing the director of the division of emergency management of the department of the military to facilitate the development of a comprehensive, coordinated approach to emergency management; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes director of the division of emergency management of the department of the military to facilitate development of a comprehensive, coordinated approach to emergency management. (BDR 36-379)".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 193.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 270.

Amend section 1, page 1, by deleting lines 9 through 15 and inserting:

"(a) An establishment which provides care only during the day; *or*

(b) [A natural person who provides care for no more than two persons in his own home;

(c)] A natural person who provides care for one or more persons related to him within the third degree of consanguinity or affinity . [; or

(d) A facility funded by the welfare division or the mental hygiene and mental retardation division of the department of human resources.]".

Amend the bill as a whole by adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. NRS 449.035 is hereby amended to read as follows:

449.035 [A]

1. Except as otherwise provided in subsection 2, a facility for skilled nursing or facility for intermediate care licensed pursuant to the provisions of NRS 449.001 to 449.240, inclusive, may not be operated except under the supervision of a nursing facility administrator licensed under the provisions of chapter 654 of NRS.

2. The provisions of subsection 1 do not apply to an intermediate care facility which provides services for the mentally retarded or persons who have conditions related to mental retardation and is regulated by the mental hygiene and mental retardation division of the department of human resources.

Sec. 3. NRS 449.037 is hereby amended to read as follows:

449.037 1. The board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.001 to 449.240, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting [an extension of the time for which a natural person may provide certain care in his home without being considered a] *, to a person who provides care for not more than three persons, a waiver from the strict application of the require-*

ment for the licensure of a residential facility for groups . [pursuant to NRS 449.017.] The regulations must require that such grants are effective only if made in writing.

(d) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.001 to 449.240, inclusive.

2. The board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

which provide care to persons with Alzheimer's disease.

3. The board shall adopt separate regulations for the licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

4. The board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. As used in this section, "rural hospital" means a hospital with 85 or fewer beds which is:

(a) The sole institutional provider of health care located within a county whose population is less than 100,000;

(b) The sole institutional provider of health care located within a city whose population is less than 20,000; or

(c) Maintained and governed pursuant to NRS 450.550 to 450.700, inclusive.".

Amend the title of the bill, second line, after "regulation;" by inserting: "excepting certain facilities regulated by the mental hygiene and mental retardation division of the department of human resources from the requirement of supervision by a nursing facility administrator;".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions regarding medical and other related facilities. (BDR 40-803)".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 434.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 465.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 305.

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 176.033 is hereby amended to read as follows:

176.033 1. If a sentence of imprisonment is required or permitted by statute, the court shall:

(a) Sentence the defendant to imprisonment for a definite period of time within the maximum limit or the minimum and maximum limits prescribed by the applicable statute, taking due account of the gravity of the particular offense and of the character of the individual defendant; and

(b) If restitution is appropriate, set an amount of restitution for each victim of the offense [.] *and for expenses related to extradition in accordance with NRS 179.225.*

2. At any time after a prisoner has been released on parole and has served one-half of the period of his parole, or 10 consecutive years on parole in the case of a prisoner sentenced to life imprisonment, the state board of parole commissioners, upon the recommendation of the department of parole and probation, may petition the court of original jurisdiction requesting a modification of sentence. The board shall give notice of the petition and hearing thereon to the attorney general or district attorney who had jurisdiction in the original proceedings. Upon hearing the recommendation of the state board of parole commissioners and good cause appearing, the court may modify the original sentence by reducing the term of imprisonment but shall not make the term less than the minimum limit prescribed by the applicable penal statute.

Sec. 2. NRS 176.221 is hereby amended to read as follows:

176.221 If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it, consider the standards adopted pursuant to NRS 213.10988 and the recommendation, if any, of the chief parole and probation officer. *Upon determining that the probationer has violated a condition of his probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning him to the court for violation of his probation.* The court may:

1. Continue or revoke the probation or suspension of sentence;

2. Order the probationer to a term of residential confinement pursuant to NRS 176.2231;

3. Order the probationer to undergo a program of regimental discipline pursuant to NRS 176.2248; or

4. Cause the sentence imposed to be executed.".

Amend section 1, page 1, line 4, by deleting "governor" and inserting: "[governor] *office of the attorney general*".

Amend section 1, page 1, by deleting lines 13 through 15 and inserting:

"*3. If a person is returned to this state pursuant to this chapter or chapter 178 of NRS and is convicted of, or pleads guilty or no contest to the criminal charge for which he was returned or a lesser criminal charge, the court shall order, if practicable and in addition to any other sentence it may impose, that the defendant make restitution for the expenses incurred by the*

attorney general or other governmental entity in returning him to this state. Any amount of such restitution remaining unpaid constitutes a civil liability arising upon the date of the completion of his sentence.".

Amend the bill as a whole by adding new sections designated sections 4 through 7, following section 1, to read as follows:

"Sec. 4. NRS 209.463 is hereby amended to read as follows:

209.463 1. The director may deduct from the wages earned by an offender from any source during his incarceration:

(a) An amount determined by the director, with the approval of the board, to offset the cost of maintaining the offender in the institution, as reflected in the budget of the department; and

(b) Such amounts as the director considers reasonable to meet any existing obligation of the offender for the support of his family or restitution to any victim of his crime [.] *and for expenses related to extradition in accordance with NRS 179.225.*

2. The director may reduce or eliminate any deduction authorized pursuant to subsection 1 from the wages of any offender to the extent necessary to comply with any restrictions imposed by federal law on deductions from wages of that offender.

Sec. 5. NRS 209.4837 is hereby amended to read as follows:

209.4837 Once the director determines that restitution voluntarily offered by the offender can be made, the director shall attempt to negotiate and enter into an agreement with the offender which provides for an assignment to the department of all wages which the offender earns:

1. To make restitution payments [to] *:*

(a) To the victims of any crime for which the offender is incarcerated and for which an amount of restitution was set pursuant to NRS 176.033; *and*

(b) For expenses related to extradition in accordance with NRS 179.225;

2. To reimburse the department in part for its costs in providing the offender housing, transportation, meals and medical and dental services at the center, if applicable; and

3. For his own account to the prisoners' personal property fund.

The agreement must contain a schedule of restitution payments to be made to all victims of crimes for which the offender is incarcerated and for which an amount of restitution was set pursuant to NRS 176.033. The payments may be made subject to such terms as the director considers advisable.

Sec. 6. NRS 213.126 is hereby amended to read as follows:

213.126 1. Unless complete restitution was made while the parolee was incarcerated, the board shall impose as a condition of parole, in appropriate circumstances, a requirement that the parolee make restitution to the person or persons named in the statement of parole conditions, *including restitution to a governmental entity for expenses related to extradition,* at the times specified in the statement unless the board finds that restitution is impracticable. The amount of restitution must be the amount set by the court pursuant to NRS 176.033. In appropriate circumstances, the board shall provide for an assignment of wages earned by the parolee while on parole to the department for restitution.

2. All money received by the department for restitution for:

(a) One victim may; and

(b) More than one victim must,

be deposited in the state treasury for credit to the restitution trust fund which is hereby created.

3. The department shall make pro rata payments from the money received from the parolee to each person to whom the restitution was ordered pursuant to NRS 176.033. Such a payment must be made:

(a) If the money received from the parolee in a single payment is $200 or more or if the total accumulated amount received from the parolee is $200 or more, whenever money is received from the parolee.

(b) If the money received from the parolee in a single payment is less than $200 or if the total accumulated amount received from the parolee is less than $200, at the end of each year until the parolee has paid the entire restitution owed.

Any money received from the parolee that is remaining at the end of each year must be paid at that time in pro rata payments to each person to whom the restitution was ordered. A final pro rata payment must be made to such persons when the parolee pays the entire restitution owed.

4. A person to whom restitution was ordered pursuant to NRS 176.033 may at any time file an application with the department requesting the department to make a pro rata payment from the money received from the parolee. If the department finds that the applicant is suffering a serious financial hardship and is in need of financial assistance, the department shall pay to the applicant his pro rata share of the money received from the parolee.

5. All payments from the fund must be paid as other claims against the state are paid.

6. If restitution is not required, the board shall set forth the circumstances upon which it finds restitution impracticable in its statement of parole conditions.

7. Failure to comply with a restitution requirement imposed by the board is a violation of a condition of parole unless the parolee's failure was caused by economic hardship resulting in his inability to pay the amount due. The defendant is entitled to a hearing to show the existence of that hardship.

8. If, within 3 years after the parolee is discharged from parole, the department has not located the person to whom the restitution was ordered, the money paid to the department by the parolee must be deposited in the fund for the compensation of victims of crime.

Sec. 7. NRS 213.153 is hereby amended to read as follows:

213.153 *1.* The necessary expenses of returning to the state board of parole commissioners a person arrested for violation of parole are a charge against the state and must be paid from money appropriated to the department of parole and probation. After the appropriation for this purpose is exhausted, money must be allocated to the department of parole and probation out of the reserve for statutory contingency account, upon approval by the state board of examiners, for the payment of these expenses.

2. *Upon determining that a parolee has violated a condition of his parole, the board shall, if practicable, order the parolee to make restitution for any necessary expenses incurred by a governmental entity in returning him to the board for violation of his parole.*".

Amend the title of the bill to read as follows:

"An Act relating to restitution; requiring certain persons to make restitution for expenses incurred by governmental entities in returning them to appear for certain proceedings; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires payment of restitution for expenses related to extradition. (BDR 14-1310)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 118.

Bill read second time and ordered to third reading.

Senate Bill No. 119.

Bill read second time and ordered to third reading.

Senate Bill No. 195.

Bill read second time and ordered to third reading.

Senate Bill No. 127.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 162.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 162:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 162 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 393.

Bill read third time.

Remarks by Assemblymen Gibbons, Anderson, Porter, Sader, Augustine, Price and Scherer.

Assemblymen Toomin, Lambert and Evans moved the previous question.

Motion carried on a division of the house.

The question being on the passage of Assembly Bill No. 393.

Roll call on Assembly Bill No. 393:

YEAS—24.

NAYS—Anderson, Arberry, Augustine, Bache, Bennett, Chowning, de Braga, Evans, Freeman, Giunchigliani, Kenny, McGaughey, Porter, Price, Spitler, Wendell Williams, Mr. Speaker—17.

Absent—Carpenter.

Assembly Bill No. 393 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 30, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 34.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 34.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans, Lambert and Anderson.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. Dr. Margaret Bryan Davis is the sixth prominent scientist to be honored with this award and, certainly, her many accomplishments speak for themselves.

Dr. Davis is visiting Nevada from the University of Minnesota where she is Regents' Professor in the Department of Ecology, Evolution and Behavior. Her work in ecology has led to new insights into past, present and future ecological change.

The study of fossil pollen was only a few decades old in North America when Dr. Davis began her studies, in the 1950s, as an undergraduate at Radcliffe College. She continued her studies as a Fulbright Scholar in Scandinavia, where pollen analysis was first developed, and received her PhD in biology at Harvard in 1957. In the 1960s, her work confirmed that fossil pollen could describe the makeup of ancient plant communities. Over the years she became recognized as a leading authority in the study of ancient ecosystems.

Dr. Davis' research has opened new doors into geology's Quaternary Period, approximately the last two million years of the earth's history. In summary, Dr. Davis has made major contributions to a variety of scientific fields. She has challenged prevailing scientific assumptions that plant and animal communities are generally stable.

As Dr. Davis has stated, "Ecological change will always occur, but we must understand what part we play in it." For the part she has played in helping us to understand, the Desert Research Institute and Nevada Bell are pleased to add her name to the growing list of Nevada Medal Laureates. Mr. Speaker, I am proud to introduce Dr. Margaret Bryan Davis.

ASSEMBLYMAN LAMBERT:

Thank you, Mr. Speaker. For six years, the Desert Research Institute and Nevada Bell, through the Nevada Medal Award, have brought some of the world's leading scientists to our state. Three of the six honorees have been presented in this chamber: Dr. Dwight Billings, Dr. Benoit Mandelbrot and now Dr. Margaret Bryan Davis.

Tonight, Dr. Davis will be at a dinner in her honor to be held at Harrah's in Reno. She will speak about her long years of research in the field of paleoecology. That scientists the caliber of Dr. Davis should visit Nevada, year after year, is a tribute to the continuing public-private partnership begun by DRI and Nevada Bell back in 1988.

Nevada Bell is the state's largest telephone company in terms of geographical area served. It is a modern, high tech company with rapidly expanding digital and fiber optics capabilities.

DRI, with facilities in Reno and my district in Stead, in Las Vegas and Laughlin, is world renowned for its research in air quality, groundwater science and water quality management, desert plant ecology, anthropology, archaeology and atmospheric science.

Dr. James Taranik has been President of DRI since the inception of the medal program. Bob Blanz, as President and CEO of Nevada Bell, has also been a strong leader during his four-year tenure. In May, he will retire to be succeeded by Mac King, Jr. All three gentlemen have joined Dr. Davis in the chamber this morning and we welcome them.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in support of the resolution. Desert Research Institute and Nevada Bell have recognized many remarkable scientists with the Nevada Medal Program. All have made, and are making, remarkable contributions to our lives and our well being. This year's medal winner, Dr. Margaret Bryan Davis, offers an exceptional insight into the nature of ecological changes; one that will have the greatest impact on the research capabilities of Nevada's Desert Research Institute.

Few areas in this country are as sensitive to environmental change as is the Great Basin. Whether you drive along our roads or fly over our landscape, you can see the open exposed earth that is Nevada. Indeed, that bright Nevada sky adds to its luster. Dr. Davis has given scientists some innovative research approaches for examining the process of change so we can see and understand what has happened in the past, and what might happen in the future. The Desert Research Institute scientists are already using these new tools to reveal how Nevada's climate has changed from wetter to drier conditions over the years.

It is very easy for us to look at the changes that have occurred over thousands of years; the great, dramatic events, such as the Ice Ages, and the lakes that rose to cover much of the Great Basin. Dr. Davis has pointed out that these conditions are a continuing process of small, incremental changes, in a way not too unlike the movement of some legislation. The causes of these small differences are what we must be sensitive to, particularly our own role in causing environmental change.

We appreciate the insights Dr. Davis has given us and encourage our scientists to take full advantage of her accomplishments. The Desert Research Institute and Nevada Bell are to be commended once again for bringing this exceptional scientist to Nevada. We thank Dr. Davis for coming to accept the Nevada Medal.

I noted in the paper the other day about the Nevada desert rat and its opportunity to pack material away for 80,000 years and stay in a single location. I had the opportunity to drop by the Chairman of Taxation Committee's office the other day and the similarity between the two events did not escape me. If you have not had the opportunity to drop by the pack rat of the Nevada legislature, I would suggest that there is a commonalty. Maybe we could get Dr. Davis to do a scientific study on the ecological process that takes place in that unusual environment. Thank you, Mr. Speaker.

Resolution adopted unanimously.

Assemblyman Evans moved that the Assembly recess subject to the call of the Chair for the purpose of hearing remarks by Dr. Margaret Bryan Davis.

Motion carried.

Assembly in recess at 10:49 a.m.

ASSEMBLY IN SESSION

At 10:51 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams gave notice that on the next legislative day she would move to reconsider the vote whereby Assembly Bill No. 393 was this day passed.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:56 a.m.

ASSEMBLY IN SESSION

At 11:03 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Evans moved that Assembly Bill No. 193 be re-referred to the Committee on Ways and Means.
Motion carried.

Assemblyman Freeman moved that Senate Bill No. 195 be re-referred to the Committee on Ways and Means.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 429.
Bill read third time.
Remarks by Assemblyman Lambert.
Roll call on Assembly Bill No. 429:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 429 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 430.
Bill read third time.
Remarks by Assemblymen Humke and Chowning.
Roll call on Assembly Bill No. 430:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 430 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 470.

Bill read third time.

Remarks by Assemblymen Porter and Scherer.

Conflict of interest declared by Assemblyman Scherer.

Roll call on Assembly Bill No. 470:

YEAS—39.

NAYS—None.

Absent—Carpenter.

Not voting—Scherer, Mr. Speaker—2.

Assembly Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 481.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Assembly Bill No. 481:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 481 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 50.

Bill read third time.

Remarks by Assemblyman Smith.

Roll call on Senate Bill No. 50:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 50 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 53.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Senate Bill No. 53:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 53 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 109.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Senate Bill No. 109:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 109 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 171.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Senate Bill No. 171:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 171 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 263, 270, 330, 336, 341, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Humke, Myrna Williams, Chowning, Evans, Heller, Spitler, Arberry, Price, Dini, Scherer, Gibbons, Gregory and Toomin:

Assembly Bill No. 557—An Act relating to foster care; establishing the minimum rates of compensation for the provision of clothing to a foster child; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolutions Nos. 18, 46; Senate Concurrent Resolution No. 16.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. James Taranik, Michael Munn, Stephen Hinman, Tom Wilson, Fred Lokken, Momoko Olejniczak, Mss. Kimberly Alorego, Danielle Harris, Margaret Lyles and Linda Mark.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Margaret Bryan Davis.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Konnie McGruder, Jenny Hunsaker, Judy Scott, Tina Reinschmidt, Messrs. Don Edington, Don Bellinger, Rob Trenoweth and the following students from Bordewich Elementary School, Carson City: Jessica Allen, Jessica Blacker, Ian Dunbar, Natalie Fahnestock, Michael Flander, Adam Frank, Joseph Granat, Jennifer Harding-Kugler, Regina Hunsaker, Shanell Jensen, Joshua Little, Krista Mazy, Armando Mendoza, Chandler Menteer, Robby Nelson, Avi Pacheco, Genevieve Robinson, Robert Rubio, Lynzie Ruecker, Carlos Ruiz, Rachel Sallee, Jason Satariano, Marietta Yotta, James Walker, Brandy Baker, Julian Contreras, Drake Dembke, Savannah Fritz, Katie Green, Steven Grunow, Brian Hall, Matthew Hall, Adree Herrera, Rebecca Holt, Lindsey Jiles, Cody Longero, Natasha Malone, Alicia Mazy, Dillon Mishler, Jesse Monroy, Sierra Murphy, Sarah Ripley, Annie Scott, Vanesa Solis, Wills Stuke, Traci Trenoweth and Jennifer Zuspan.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Robert Blanz and MacLellan King, Jr.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Bob Gaston, Oran Gragson and Mrs. Bonnie Gragson.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Marie Yost and Jean Wurzer.

Assemblyman Porter moved that the Assembly adjourn until Monday, May 3, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 11:21 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 3, 1993

Assembly called to order at 11:14 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Kenneth De Lyser.

Our Father, we thank You for the beauty of this day and for the privilege and responsibility of directing the affairs of government. We ask that You grant unto us wisdom beyond our normal capacity and concern for those who are affected by our decisions. Help these men and women to be understanding and kind in their dealings with each other. In Thy precious name, we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 357, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 194, 339, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 173, 283, 308, 318, 319; Assembly Joint Resolution No. 28, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Concurrent Resolutions Nos. 14, 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 191, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 148, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Gibbons, Evans, Freeman, Lambert, Ernaut, Haller, Sader and Humke:

Assembly Concurrent Resolution No. 48—Commemorating the 125th anniversary of Reno, Nevada.

WHEREAS, The City of Reno will celebrate its 125th anniversary on May 9, 1993; and

WHEREAS, In 1868 the Central Pacific Railroad extended its line through the Truckee Meadows on its way to Promontory, Utah, where it would meet the Union Pacific Railroad creating a transcontinental railroad running from San Francisco to Missouri; and

WHEREAS, In 1861, a settler named Charles William Fuller traded a large portion of land on the Truckee River to Myron C. Lake who built a hotel and trading post; and

WHEREAS, Later Myron Lake donated land north of the Truckee River to Charles Crocker, Superintendent of construction for the Central Pacific, with the understanding that a railroad station and townsite would be built on the land; and

WHEREAS, On May 9, 1868, Charles Crocker held a public land auction where he sold lots on the former Lake property; and

WHEREAS, In honor of General Jesse Lee Reno, a Union officer killed in the Civil War, Charles Crocker named this new community Reno; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the thriving City of Reno is hereby congratulated on the occasion of its 125th anniversary on May 9, 1993; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Pete Sferrazza, Mayor of the City of Reno.

Assemblyman Gibbons moved the adoption of the resolution.

Remarks by Assemblymen Gibbons and Price.

Resolution adopted unanimously.

Assemblyman Gibbons moved that all rules be suspended and that Assembly Concurrent Resolution No. 48 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Concurrent Resolution No. 14.

Assemblyman Garner moved the adoption of the resolution.

Remarks by Assemblyman Garner.

Resolution adopted.

Senate Concurrent Resolution No. 15.

Assemblyman Garner moved the adoption of the resolution.

Remarks by Assemblyman Garner.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Petrak, Toomin, Augustine, Chowning, Kenny, de Braga, Bonaventura, Smith, Regan, Wendell Williams, Anderson, McGaughey, Segerblom, Gregory, Giunchigliani, Price, Bache, Evans, Porter, Sader, Bennett, Perkins, Hettrick, Myrna Williams, Arberry, Heller, Garner, Humke and Freeman:

Assembly Bill No. 558—An Act relating to motor vehicles; requiring a license to operate a garage for the repair of motor vehicles; requiring the director of the department of motor vehicles and public safety to administer certain regulatory provisions; providing a penalty for unlicensed activity; authorizing disciplinary action for the violation of related provisions; and providing other matters properly relating thereto.

Assemblyman Petrak moved that the bill be referred to the Committee on Commerce.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Scherer moved that Senate Bill No. 157 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Scherer.

Motion carried.

Assemblyman Gibbons moved that Senate Bill No. 118 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Gibbons.

Motion carried.

Assemblyman Garner moved that Assembly Bill No. 22 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Carpenter moved that Senate Bill No. 119 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Carpenter.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 434 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

In compliance with a notice given on a previous day, Assemblyman Myrna Williams moved that the vote whereby Assembly Bill No. 393 was passed be reconsidered.

Remarks by Assemblymen Myrna Williams, Perkins, Gibbons, Porter, Haller, Smith, Price, Anderson, Sader, Scherer and Collins.

Assemblyman Bennett requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. At this time, I move the action whereby we passed Assembly Bill No. 393 be reconsidered. This was not an easy decision to make. Every morning many of us sit and deal with budgets, underfunding and the need to find revenue somewhere and to cut costs.

However, we are sitting here today because we are fortunate enough to live in a country that has the most simple, yet the most profound document in the world and it is called the Constitution of the United States. There comes a point where we have to be extremely careful that we do not end up like some other countries where they have eroded, eroded and eroded the rights of the people until one day they woke up and had nothing left.

Based on this, I think that the constitutional imperatives here are more important than the money that we are going to save. As painful as that is to say, when our need is so great in terms of money, I think our need for the constitution supersedes that. So, I am asking everyone to please reconsider their action on this bill.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. I rise in opposition to Assembly Bill No. 393 which I supported on our last legislative day. With my background, I expect this will surprise many, but I do so for a couple of reasons.

This bill deals with the voluntary waiver of a convicted person's presence in front of the authority passing his or her judgment and sentencing. The key word here is "voluntary." I have personally dealt with dozens of similar waivers. While I personally would not spend as much time as was necessary to educate the convicted person of their options so that they make an educated and properly voluntary decision, I recognize that often times the time is not available to law enforcement corrections personnel to properly conduct this education. If this duty does not fall to law enforcement, then it would fall to the even busier public defender. We need to remember that many of our convicted persons are intellectually challenged, which may limit their capacity to make a voluntary decision.

The other reason that I will vote against this bill is that I believe it is important for the convicted person to face the person passing judgment upon them. I sincerely believe that the judge needs to touch, taste and see the person they are going to incarcerate, not only to mitigate a sentence for those convicted persons who are sincerely remorseful, but also to compound sentences for those who have no regard for the rights of society. Mr. Speaker, on January 18 of this year, I took my second oath to uphold the constitutions of the United States and the State of Nevada. The first was on January 3, 1984, when I was commissioned as a police officer for the City of Henderson. I will defend these constitutions to my death, and although the proponents of the bill will defend its constitutionality, and I do not dispute this, I do not believe in my heart that our founding fathers ever dreamed of anyone waiving their rights to be present during sentencing.

The reason for this legislation is to save money. Mr. Speaker, how much money will be saved if a convicted person appeals his or her waiver arguing that it was misunderstood or otherwise involuntary? The cost of these appeals will be enormous. It is for these reasons, Mr. Speaker, that I will be voting against this bill.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. As the lead proponent of this bill, I rise in support of it. I would just like to remind people that when we are speaking about a convicted criminal, we are talking about someone who has already been present at all phases of the trial and who has faced the victim throughout the hearing and trial. Now, we are talking about a person who has, between the time of conviction and the time of sentencing, been incarcerated in another state and another jurisdiction and the requirement and request of that individual voluntarily saying, "I do not want to return to the State of Nevada for the purpose of being present to face the judge for this sentencing. I voluntarily waive that right." This is a right which he has probably and would most certainly be counseled on by his attorney. It is a voluntary waiver, one which would have been demonstrated that he did so without the proper knowledge, could be appealed. That would be the rare circumstance as is the rare circumstance of having to be brought back from another state and another jurisdiction. I think the important thing is that we, as taxpayer representatives, have the duty to make sure that we spend money wisely. For those individuals who have voluntarily relinquished their rights to return for the simple purpose of being sentenced, when a sentence would run concurrently with a sentence here in Nevada, certainly have not skipped out on anything, nor have they subjugated the right of facing the victim or the sentencer at the time of trial. As a result, I would rise in opposition to the motion for reconsideration.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. I rise in support of the current motion on the floor for reconsideration. Should this motion not pass, my remarks will be academic. So with your permission, Mr. Speaker, I would like to go to Order of Business No. 15 to make my remarks, deviating from the current motion on the floor.

Thank you, Mr. Speaker. As we debated Assembly Bill No. 393 the other day, we had a very interesting debate about just what the subject matter of this bill dealt with. I would encourage all my colleagues to get their bill books out and take a look at it. It will only take you a second.

A pertinent part of Assembly Bill No. 393, first reprint, deals with lines 10 through 13. They read as follows, "If the defendant was present at the trial through the time he pleads guilty, or is found guilty, but at the time of his sentencing is incarcerated in another jurisdiction, he may waive his right to be present at the sentencing proceedings and thereby agree to the imposition of sentence in his absence." For those of you who do not practice in the criminal justice system, let me describe for you a current scene and the sentencing.

The judge arrives. The bailiff says, "All rise." Everyone stands up and the judge takes his seat, slams the gavel down and says, "The court is now in session." Case No. 82-4075F, State of Nevada vs. Robert Jones. The court will note the presence of Mr. Jones. Counsel for the state is Mr. Smith. Counsel for the defendant is Mr. Walker from parole and probation. Is the defendant present?" "No, he is not, your honor." "Mr. Smith, where is your client?" "He is in Utah, your honor. He is incarcerated there. He was arrested the other day." "Why isn't he here?" "I have a written waiver, your honor, which he signed waiving his right to be present here at trial." "Very well, may I see the document, please." "Yes." "I am assuming that this is your client's signature on there. Is that correct, Mr. Smith?" "Yes, it is okay your honor." "Very well, proceed. May I hear from the state."

"Mr. Jones was convicted of armed robbery in this court several weeks ago. As the court is aware the evidence against Mr. Jones was overwhelming. He went in with a .45 calibre gun, pointed it to the head of an AM-PM Mini Market clerk and took a bag of Hostess Twinkies on the way out the door. I can think of a no more heinous crime for society. I suggest that Mr. Jones be given the maximum ten years in prison in the Nevada State Penitentiary." "Very well, what does Parole and Probation recommend?" "Well, your honor, we had the opportunity to speak with Mr. Jones at the close of his trial. He has no prior convictions, but we are not going to suggest one way or the other what the state's recommendations should be. We agree with the prosecution that he should be given the maximum sentence of ten years." "Very well, Mr. Smith, what do you argue on behalf of your client?"

"Well, your honor, I had the opportunity to talk to my client by telephone about half an hour ago because I was counsel on record in these proceedings. This happens to be Mr. Brown's track. Mr. Brown could not be here today for the sentencing phase of this proceeding. So, I talked to this gentleman. He was kind of like, well, you know, you guys do whatever you think you gotta do over there." "Very well, the court has been advised. It is the judgment of this court that Mr. Jones be sentenced to ten years in prison in the Nevada State Penitentiary. The court is adjourned." What is wrong with this picture? What is wrong with this picture?

When everybody in the criminal justice system agrees this is a good bill, that ought to be your first clue something is wrong with it. The criminal justice system in America has some serious flaws, and believe me, I practice in it every day. Criminal defense lawyers are in support of this. Prosecutors are in support of this. Everybody else is in support of this. You know why? Because it is efficient. Yes, it is efficient. Does it save us some money? Yes, maybe it saves us some money, but is it the right thing to do? No.

Economic conservatism at the expense of constitutional rights is no bargain. That kind of situation will repeat itself day in and day out, day in and day out, mark my words on that. A knowing and intelligent waiver of constitutional rights is just that. Knowing and intelligent. Look at the language in Assembly Bill No. 393, lines 14 through 18, which is current law.

In the case of a misdemeanor, and a gross misdemeanor by imprisonment for not more than one year, a misdemeanor and a gross misdemeanor would be taken into account. The court, with the written consent of the defendant, may permit arraignment, plea, trial and imposition of sentence in the defendant's absence. If, in current language, the court determines the defendant was fully aware of his applicable constitutional rights when he

gave his consent, Mr. Speaker, how in the world is this judge passing sentence on this defendant in absentia going to know whether or not he was fully aware of his applicable constitutional rights when he gave his consent? That is not possible, ladies and gentlemen. It is not going to happen. The judge is not going to call him on the phone. He is not going to ask him, "What do you think, should you spend six years or 60 days?" Where are we? Take a look at what is happening. We now have a stronger waiver argument for a misdemeanor than we do for sentencing of a felony. This bill is backwards.

Unless you build in some absolute provisions where there is a 100 percent convincing on the part of that court that this defendant knew what he was doing, understood his rights to counsel, understood that he may get a public defender assigned to another track who has never seen him, who does not even know him, and to sit there and argue, "Well judge, he has no priors, so maybe he should get a year." That is what the entire system was designed to protect against. I would ask my colleagues to look at this bill, look at this language, search your conscience, picture what goes on in criminal justice. It is not Miami Vice, it is the real world. This is the real world. This bill will not help everybody, but it might help one person, and if it does that then I have done my job and you have done yours. I urge your reconsideration of Assembly Bill No. 393. Thank you.

ASSEMBLYMAN HALLER:

Thank you, Mr. Speaker. Speaking against the motion to reconsider, I would remind the group that we have had an impassioned plea from one of our colleagues, but we had quite a few lawyers in the committee hearings and they did not believe that this bill had anything to do with unconstitutional action. I would submit to you that just because somebody says that there is a constitutional problem, it does not make it so. Let's vote against reconsideration.

ASSEMBLYMAN SMITH:

Thank you, Mr. Speaker. I rise in opposition to reconsideration. There have been many concerns raised over Assembly Bill No. 393, even to the point of implying that this measure will erode civil rights and democracy as we now know it.

I do not see it in this light. This is an opportunity for a convicted person to decide whether or not he or she wishes to return for sentencing. This waiver is not mandatory, it is voluntary. This person is already in another prison, convicted, and may not want to return for the sentencing. He or she may decide that for a six-month sentence, it is not worth the effort to travel from Florida, where he or she is already serving a ten-year sentence.

We cannot guess at all the possibilities that exist in the world of multi-convicted criminals. If we are genuinely concerned about civil rights, then we can offer them a chance to decide for themselves. It should also be mentioned that the cost of this extradition may be charged to this person if this current legislation passes.

We should not forget that this person will be represented by attorneys in both Nevada and their current state of incarceration.

We are not forfeiting Nevadans' rights by this measure. We are giving already convicted criminals an opportunity to make a choice and perhaps save Nevada taxpayers unnecessary expense.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I will be speaking in favor of the motion because I believe that any of us should be able to have a motion to have something discussed again. I do not think the question is, is it constitutional or not constitutional as may have been interpreted from my colleague from Reno. It is really, is it right or wrong? What are we doing when we statutorily encourage the right of citizens, even ones we do not like, to give up their constitutional rights? A very good argument was made by my colleague, the defense counsel, about what happens if the defendant did change his mind at the last minute? It would be very possible that a person could even be sick on the day that he is asked to sign the waiver and really not be fully thinking about what he is doing. That's possible. He could even be on prescription medication and still not be thinking right. He may have been in the infirmary, or whatever.

When we talk about the one suggestion made, multiple violators who are in other states, occasionally there are people in jail for doing the right thing as many civil rights violators who spend many days, weeks, months in jails, detention centers, or prisons across our country during dark times. I presume this would not apply to them, but we have people in prison on American territory today because they were trying to come to this country from Haiti and they are over here herded up like animals. There are many reasons that someone may be incarcerated and, of course, 99⁹/₁₀ percent of the time it is because they are bad people, but it is not always. Even bad people have their rights protected because every time we do something improper against them, it sets the pathway for it to be used against us.

At any rate, I would hope that we would at least have the opportunity to reconsider this today. I would hope that in doing so this particular bill would not pass. I would have you think of some of those first amendment rights: the freedom of speech, the freedom of press, the freedom to assemble. When did we start selling those? The right to bear and keep arms, all of the other things and most of our rights, and the rights of people in other countries are normally bridged beginning with just little, tiny things. I would hope that Assembly Bill No. 393 would not leave this house today.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in support of the motion to reconsider. I see this bill as an erosion on both sides of the constitutional issue. That is both the right of the defendant and the right of the victim of the crime to know the person, who has indeed been violated by this person, that the sentence is going to be carried forward in their presence. We hear a great deal today about victims' rights. If the person has gone through the process, the victim wants to see that person stand before the bar and hear what the sentence is, not in absentia, not by a piece of mail from some different location, possibly reduced to a lessor charge, merely because we in our urge to save a couple of bucks send them out of state, or because he has been arrested some place else. The human pride in our society rages about the fact that the justice system does not do what it is supposed to do, and that is not vengeance. The whole purpose of law and justice is not a vengeful society, but to say that society is going to treat someone fairly from beginning to end. At each stage, both sides will have their shot, both sides will hear their argument. To take away or diminish either one of those rights is wrong. That is exactly what this bill comes to. It may seem to be a trivial matter, but it is not. It does go to the very root of the system itself.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. In listening to the debate on Friday and then again today, I am struck with how difficult this rather simple issue has become. I think, Mr. Speaker, what we are really talking about is an issue we are going to face several times this session about where we draw the line in funding prisons, prisoners and costs of incarcerated people.

I agree with these statements of philosophy and the issues of rights that have been made by those who support the motion to reconsider. I just disagree that this is the place to draw the line. I think we have really lost track and sight of what this bill does and what an offense it is to the system of constitutional rights protected by the first amendment. The question of sentencing and having representation by counsel being present is called the critical phase in the proceedings. There is no question that sentencing is a critical phase. You are entitled to a lawyer at that time. Your lawyer needs to be present. Your lawyer argues your case for you.

What we are talking about here, is a voluntary waiver of that right by one incarcerated some place else and who does not want to come, whose lawyer is going to be present, is going to make that argument. If you have ever been to a sentencing, as I have, and my esteemed colleague from District No. 8, who has been to more than I have, the lawyer does all the talking. The defendant has an opportunity to speak, but lawyers have a tendency in these things to do all the talking in each phase of each proceeding in each trial and this is no different. That lawyer is there. My colleague from District No. 8 suggests what's wrong with the picture he paints for you.

What's wrong with the picture is that he gives you an example of a wholly ineffective counsel for that defendant, which is not the case in criminal proceedings. Very rarely does one have ineffective counsel. That counsel is going to get up and make his or her best

argument for that defendant whether that defendant is there or not. That's the reality in courtrooms today. The suggestion that somehow there is a wholesale sellout of constitutional rights is just inappropriate and incorrect.

Now, let's talk about what this bill is really about. This is one of many issues we face this month and next month. What this bill is about is priorities of funding. This bill came to us from the Attorney General's Office. The Attorney General, this session, has taken a close look at the cost of extradition and the cost of transportation of prisoners and the fact that so many of the people who violate crimes in this state or from some other state, yet the taxpayers of Nevada pay huge amounts of money to keep them in prison for justice to our state, costing our taxpayers all that money. This is a rather small aspect of it, but it isn't cheap. When you go to Illinois or Maine or New York to pick up a prisoner, you send two people. They fly out, they get the prisoner, they get him or her a plane ticket, fly him back, have the proceeding, fly him back again, that's four trips, two round trips for the officers, two of them apiece, that is a round trip for the defendant, and that is not cheap. Multiply that by a number of these cases every year and you have some real money. That's what we are talking about, real money in the prison system.

Now, let's talk about priorities. We are faced with not having money for education. We are faced with not having money for Aid to Dependent Children. We are faced with not having money for welfare and any number of social causes. To suggest that this is the place to draw the line and to fund this kind of voluntary waiver is, in my opinion, wholly inappropriate. It is just the wrong place to draw the line. There is a place to draw the line and it does deal with constitutional rights. The real constitutional rights of people. This is not that place. So, take your choice. This is one of many bills we are going to have. This issue now and tomorrow is "cons versus kids." Let's not vote for the cons.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker. Most of the arguments have already been ably made by colleagues. I did want to respond to one argument that has been made by the proponents for reconsideration here. That is the argument of victims' rights. The argument that the victim should have the right to see the defendant present at sentencing and to see the defendant sentenced, all I would argue is that the victim should have the right to see the case closed. To bring closure to a situation in which they have been victimized. We have heard many times in your Judiciary Committee this session about the importance of closure for victims. I think to wait six or eight to ten years for closure of a case to actually hear a sentence is small in relative comparison to just having a final outcome in a timely manner. By that time, who cares? The victim has already waited far too long.

If the people in the District Attorney's Office and the Attorney General's Office have not been able to respond as to what happened to this guy, what is the ultimate outcome? Let's give them the ultimate outcome in a timely manner. Thank you, Mr. Speaker.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. I think the important thing here is that it says on line 12, "He may waive his right." We hear all this legal stuff, and you know it is real simple to me, these guys get in the system and they are in jail somewhere and if they want to take a trip across the United States, they say, "No, I am not going to waive it." They go to court and they show up in front of the judges. The thing is, they have already been convicted, the guy is previously distressed, he had a gun to the guy's head, he is already a bad guy and he has been convicted of it. This is just a simple matter of sentencing him. If he wants to make a trip, he has the right to make the trip. This just allows him to waive that trip and sometimes it is probably more lenient in his case if he does. Thank you.

Assemblymen Haller, Lambert and Toomin moved the previous question.

Motion carried on a division of the house.

The question being on the motion to reconsider the vote whereby Assembly Bill No. 393 was passed.

Motion lost on a division of the house.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:57 a.m.

ASSEMBLY IN SESSION

At 12:06 p.m.

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

Remarks by Assemblyman Myrna Williams.

Assemblyman Haller rose to a point of order regarding the disorderly use of words.

Mr. Speaker ruled that there was no improper usage of words.

Assemblyman Bennett requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. Very shortly, it will be ten years that I have served in this house. This is the first time in that ten years that I have ever asked to have a bill reconsidered. I did not do that lightly, but I would like to address the issue of cons versus kids. Now, if we are really concerned about cons versus kids, Mr. Sader is right. We have had any number of significant bills that eroded, in my opinion, the rights of people and there are more coming. On the other hand, if money is the criteria by which we cast our votes, then we are going to be facing the compassionate leave bill which has enormous numbers of dollars in it, and the facility capacities act which has enormous dollars in it. Now, if we are going to vote based on money, then you had better think very carefully, because that was the bottom line. If we set a precedent that all we care about is money and not doing the right thing; if we are concerned about cons versus kids, then let that be a standard for everything we do, not just sometimes. So if kids come first, I guess kids are going to have to come first on all those bills that carry significant amounts of money as opposed to this one.

ASSEMBLYMAN HALLER:

Point of order, Mr. Speaker. I have been tarred with a pretty wide brush. I did not vote the way I did because of cons versus kids. I voted because it was the right thing to do.

MR. SPEAKER:

I do not think your point is justified, Mr. Haller. It was on Order of Business 15. You can respond when she is done with her statement. Mrs. Williams, continue.

ASSEMBLYMAN MYRNA WILLIAMS:

My only point is that if we are going to vote based on that kind of a standard, we have an obligation to be consistent.

ASSEMBLYMAN HALLER:

"Consistency is a hobgoblin of small minds," was an observance by Emerson. I do feel I am consistent, however, in that we had a full blown public hearing, we had committee action, we followed the proper process and I really do not believe that it is correct to characterize people, and I have said it already as to their motives in voting in any situation.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Ways and Means:

Assembly Joint Resolution No. 32—Proposing to amend the constitution of the State of Nevada to allow the legislature to designate places in the county other than the county seat for holding terms of the district court.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 7 of article 6 of the constitution of the State of Nevada be amended to read as follows:

Sec. 7. The times of holding the Supreme Court and District Courts shall be as fixed by law. The terms of the Supreme Court shall be held at the seat of Government unless the Legislature otherwise provides by law, except that the Supreme Court may hear oral argument at other places in the state. The terms of the District Courts shall be held at the County seats of their respective counties [; Provided, that in case any county shall be hereafter divided into two or more districts, the Legislature may by law, designate the places of holding Courts in such Districts.] *unless the Legislature otherwise provides by law.*

Assemblyman Arberry moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Tiffany, Smith, Kenny, Myrna Williams, Gregory, Bache, Anderson, Lambert, Freeman, Garner, Scherer, Price, Heller, Humke, Chowning, Perkins, Spitler, Dini, Arberry, Marvel, Gibbons, McGaughey, Collins, Hettrick, de Braga, Ernaut, Bonaventura, Petrak, Neighbors, Segerblom, Regan, Bennett, Schneider, Evans, Toomin, Giunchigliani, Porter and Wendell Williams:

Assembly Bill No. 559—An Act relating to drivers' licenses; requiring the department of motor vehicles and public safety to adopt regulations which establish procedures for the voluntary surrender and subsequent reinstatement of a driver's license; requiring the department to keep records of drivers' licenses voluntarily surrendered; prohibiting a person whose driver's license has been voluntarily surrendered from driving a motor vehicle in this state; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 560—An Act relating to state financial administration; providing standards for the setting aside of reserves to meet financial emergencies; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 561—An Act relating to appraisers of real estate; revising the requirements for the issuance of a certificate, license or permit; requiring the real estate division of the department of commerce to retain a

portion of the fees paid by appraisers for payment to the Financial Institutions Examination Council; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 562—An Act relating to the commission on economic development; prohibiting the commission from providing resumés to a motion picture company or referring or recommending a person for employment with such a company; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 563—An Act relating to industrial insurance; prohibiting a self-insured employer from requiring that an injured employee personally appear at the job site to receive his compensation; prohibiting an employer from interfering with the prompt filing of a notice of injury or claim for compensation by an employee who is injured in the course and scope of his employment; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblymen Gibbons, Marvel, Humke, Ernaut, Carpenter, Regan, Lambert, Gregory, Segerblom, McGaughey, Toomin, Scherer, Wendell Williams, Porter, Neighbors, Schneider, Perkins, Tiffany, Heller, Haller, Augustine, Hettrick and Kenny:

Assembly Bill No. 564—An Act relating to local governmental finance; authorizing local choice concerning the establishment of a program or provision of a service otherwise required but not funded by state legislation; providing permissible means of local funding; and providing other matters properly relating thereto.

Assemblyman Gibbons moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 93.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 94.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 384.

Amend sec. 2, page 3, between lines 9 and 10, by inserting:

"*7. Review each industry program established pursuant to subsection 2 of NRS 209.461 to determine whether the program is operating profitably within 3 years after its establishment. If the advisory board determines that a program is not operating profitably within 3 years after its establishment, the advisory board shall report its finding to the director with recommendation regarding whether the program should be continued or terminated.*".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 502.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 27.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 311.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wendell Williams moved that Assembly Bill No. 441 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Wendell Williams.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 127.

Bill read third time.

Remarks by Assemblyman Smith.

Roll call on Senate Bill No. 127:

YEAS—42.

NAYS—None.

Senate Bill No. 127 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 263.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Senate Bill No. 263:

YEAS—42.

NAYS—None.

Senate Bill No. 263 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 270.

Bill read third time.
Remarks by Assemblyman Wendell Williams.
Roll call on Senate Bill No. 270:

YEAS—42.
NAYS—None.

Senate Bill No. 270 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 330.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Senate Bill No. 330:

YEAS—42.
NAYS—None.

Senate Bill No. 330 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 336.
Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Senate Bill No. 336:

YEAS—38.
NAYS—Anderson, Collins, Scherer, Smith—4.

Senate Bill No. 336 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 341.
Bill read third time.
Remarks by Assemblymen Carpenter and Freeman.
Roll call on Senate Bill No. 341:

YEAS—38.
NAYS—Arberry, Myrna Williams, Wendell Williams, Mr. Speaker—4.

Senate Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 157.
Bill read third time.
The following amendment was proposed by Assemblyman Scherer:
Amendment No. 418.
Amend section 1, page 1, lines 8 and 9, by deleting: "[individual,] *natural person,* corporation" and inserting: "[individual, corporation] *person*".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a bill (BDR 22-980) requested by the Committee on Labor and Management, be introduced by individual assemblymen.

Remarks by Assemblyman Giunchigliani.

Roll call on Assemblyman Giunchigliani's motion.

YEAS—34.

NAYS—Augustine, Gibbons, Heller, Hettrick, Humke, Lambert, Marvel—7.

Absent—Sader.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 40, 60; Senate Concurrent Resolution No. 33.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Madalena Fischer.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Richard Matzen, Mss. Cheryl Reige, Marsha Cornella, Penny Madraso and the following students from Hawthorne Elementary Junior High School, Hawthorne: Steven Adams, Alberto Aviles, Tim Beeman, Christina Bonham, Darcy Brewer, Larry Butler, Ululani Camacho, Jaime Cardenas, Jed Cornella, Alex Davis, Richard Dematteo, Berina Dement, Bina Desai, Amber Devore, Tiffany Dillard, Roseline Dipty, Heather Dobson, Michelle Dyer, Sandi Emm, Don Frost, Amie Fuller, Jason Grulli, Harley Hall-Rosemore, Carl Harris, James Haworth, Vanessa Hicks, Patrick Hughes, Tami Jones, Janel Kannier, Renon Kimberlin, Danny Knight, Rachel Kovacs, Amber Laroche, Tamiya Lee, Mika Legg, Jayci Madraso, Amanda Magro, Brandee Martin, Chuck McGhauey, Katharina Miller, Aimee Mueller, David Mueller, Rosetta Mullins, Shaun Parks, Adam Pendergraft, Brigitte Peterson, Kenneth Piatt, Tahseen Qureshi, Eddie Reed, John Regusci, Tiffany Roberts, Angela Sae-Wong, Jan Salas, Angela Schulenberg, William Short, Felix Sickler, Susan Sims, Benjamin Thompson, Brandy Thompson, Charles Tolliver, Andy Tomb, Luis Valenzuela, Sara Vaughan, John Wachsmuth, Jeremy Williams, Shalon Worthen and Sherri Yott.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Ashlee Jensen.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, May 4, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:40 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTH DAY

CARSON CITY (Tuesday), May 4, 1993

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Scherer, who was excused.

Prayer by the Chaplain, The Reverend Kenneth De Lyser.

Most gracious God, we are again thankful for the day that You have provided. We ask Your guidance this day as we strive to conduct the affairs of life. I especially ask for Your guidance for this Assembly. Grant unto this group of men and women clearness of mind and singleness of purpose—that purpose being sound government for the people of the State of Nevada. We ask these things in Your most precious name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 379, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Assembly Bill No. 476; Senate Joint Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Assembly Bill No. 301; Senate Bill No. 123; Senate Joint Resolution No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 293, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 234, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 3, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 91, 131, 132, 223, 293, 297, 299, 345, 350, 362, 419.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 144, 154, 227, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Joint Resolution No. 17, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 48.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 328.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 184, 214, 236, 242, 321, 397.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 7.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 7:

Assemblyman Porter moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 565—An Act relating to vehicle licensing; revising the designation of license plates for Pearl Harbor survivors; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 184.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 214.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 236.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 242.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 321.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 328.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 397.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:18 a.m.

ASSEMBLY IN SESSION

At 11:25 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Evans moved that Senate Bill No. 311 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Evans.

Motion carried.

Assemblyman Wendell Williams moved that Assembly Bill No. 441 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Wendell Williams.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 4, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 36.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Joint Resolution No. 33—Urging Congress to extend daylight saving time by 1 month.

Assemblyman Myrna Williams moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Concurrent Resolution No. 36.

Assemblyman Gibbons moved the adoption of the resolution.

Remarks by Assemblymen Gibbons and Anderson.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Elections and Procedures:

Assembly Bill No. 566—An Act relating to ethics in government; making various changes relating to the confidentiality of the proceedings of the commission on ethics and local ethics committees; authorizing the commission to impose a civil penalty for a violation of required confidentiality; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 567—An Act relating to taxation; revising the provisions governing the manner of assessing the value of certain possessory interests in property for the purposes of imposing property taxes; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Humke, Giunchigliani, Heller, Chowning, Price, Tiffany, Marvel, Haller, Lambert, Carpenter, Garner, Bennett, Toomin, Evans, Gregory, Gibbons, Anderson, Bache, Smith, Freeman and Dini:

Assembly Bill No. 568—An Act relating to education; increasing the apportionment of state money to school districts whose percentage of pupils withdrawing from high school is small; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 569—An Act relating to insurance; revising various fees and penalties relating to the regulation of insurance; clarifying and expanding the scope of various statutory provisions; authorizing the commissioner of insurance to adopt certain regulations; imposing various requirements upon insurers and policies of insurance; making various changes relating to unauthorized insurers; making various other changes relating to the regulation of insurance; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 570—An Act relating to physical therapy; prohibiting a physical therapy assistant from performing certain activities; authorizing a physical therapy assistant to provide treatment to a patient in the home of the patient; establishing specific activities that a physical therapist must perform; making various other changes; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:37 a.m.

ASSEMBLY IN SESSION

At 11:41 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 571—An Act relating to insurance; requiring specified insurers who do not pay an approved claim relating to certain policies, contacts or plans of insurance within the statutory period to pay the full amount of the claim without specified discounts or deductions; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 572—An Act relating to accountants; permitting them to practice as a limited-liability company; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 573—An Act relating to impact fees; establishing a monetary limit for certain impact fees; expanding the types of projects for which impact fees may be used; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 574—An Act relating to insurance; clarifying that coverage for medical expenses under a policy of motor vehicle insurance is primary; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 575—An Act relating to peace officers; consolidating the statutory provisions that confer the powers of a peace officer; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 576—An Act relating to commodities; revising the penalties for certain violations concerning commodities; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Segerblom, Petrak, Neighbors, Bonaventura, Chowning, Anderson, Carpenter, Hettrick, Heller, Freeman, Wendell Williams, Myrna Williams, Perkins, Toomin, Ernaut, Schneider, Humke, Lambert, Kenny, Augustine, Gibbons, McGaughey, de Braga, Smith, Marvel and Sader:

Assembly Bill No. 577—An Act relating to elections; allowing registered voters to vote at county offices during the week before any election; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblymen Perkins, Kenny, Heller, Petrak, Bonaventura, Hettrick, Tiffany, Schneider, Lambert, Carpenter, Giunchigliani, Marvel, Toomin, Humke, Gregory, Ernaut, Neighbors, Gibbons, Freeman, Chowning, Price, Evans, Bache and Myrna Williams:

Assembly Bill No. 578—An Act relating to education; requiring the completion of a course in adult roles and responsibilities for graduation from high school; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Arberry, Wendell Williams, Price, Collins, de Braga, Garner, Augustine, Porter, Haller, Toomin, Perkins, Anderson, Bache, Chowning, Neighbors, Carpenter, Evans, McGaughey, Freeman, Hettrick, Heller, Humke, Gregory, Myrna Williams, Giunchigliani, Petrak, Sader, Bennett, Smith, Lambert, Dini and Segerblom:

Assembly Bill No. 579—An Act relating to casualty insurance; prohibiting an insurer from basing rates for motor vehicle insurance upon factors other than the year, make and model of the insured vehicle; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 148.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 351.

Amend section 1, page 1, by deleting lines 3 through 13 and inserting:

"*1. A policy of insurance providing coverage arising out of the ownership, maintenance or use of a motor vehicle which is delivered or issued for delivery in this state and includes coverage for the payment of reasonable and necessary medical expenses or uninsured and underinsured motorists coverage, or both, must contain a provision for the reduction in the premium for each such coverage of:*

(a) At least 30 percent, if the motor vehicle is equipped with an air bag on the driver's side of the front seat; or

(b) At least 40 percent, if the motor vehicle is equipped with an air bag on the driver's side and passenger's side of the front seat.

2. The commissioner may approve reductions which exceed the amounts required in subsection 1.".

Amend the title of the bill by deleting the first line and inserting:

"An Act relating to insurance; requiring certain policies of insurance regarding motor vehicles".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 191.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 343.

Amend section 1, page 1, line 4, by deleting "*January*" and inserting "*April*".

Amend section 1, pages 1 and 2, by deleting lines 9 through 24 on page 1 and lines 1 through 11 on page 2 and inserting:

"*(a) A copy of each of the annual security reports compiled for the immediately preceding 2 years pursuant to 20 U.S.C. § 1092, including the executive summary and statistics regarding crimes on campus; and*

(b) A statement of:

(1) The policy of each police department regarding the use of force and the equipment authorized for use by its officers in carrying out that policy;

(2) The activities performed by each police department during the reporting period to improve or maintain public relations between the campus and the community;

(3) The number of full-time and reserve officers in each police department;

(4) The programs held in each police department during the reporting period in which training was given to its officers and the rates of participation in those programs; and

(5) The number, itemized by each police department, of incidents during the reporting period in which an excessive use of force was alleged and the number of those allegations which were sustained.".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 194.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 369.

Amend section 1, page 1, line 24, by deleting "[35,000,] *25,000,*" and inserting "35,000,".

Amend section 1, page 2, line 17, by deleting "The" and inserting: "[The] *Except as otherwise provided in subsection 10, the*".

Amend section 1, page 2, line 19, by deleting "[35,000,] *25,000,*" and inserting "35,000,".

Amend section 1, page 2, line 22, by deleting "[35,000] *25,000*" and inserting "35,000".

Amend section 1, page 2, between lines 41 and 42, by inserting:

"*10. In a county whose population is less than 35,000, the state fire marshal shall, upon request by a local government, delegate to the local government by interlocal agreement all or a portion of his authority or duties if the local government's personnel and programs are, as determined by the state fire marshal, equally qualified to perform those functions. If a local government fails to maintain the qualified personnel and programs in accordance with such an agreement, the state fire marshal shall revoke the agreement.*".

Amend the bill as a whole by deleting sections 2 and 3.

Amend the title of the bill to read as follows:

"An Act relating to the state fire marshal; requiring the state fire marshal to delegate his authority and duties to local governments under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires state fire marshal to delegate his authority and duties to local governments under certain circumstances. (BDR 42-1339)".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 339.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 368.

Amend section 1, page 1, line 7, after "Establish" by inserting: "*and amend, as necessary,*".

Amend section 1, page 1, line 11, after "*Establish*" by inserting: "*and amend, as necessary,*".

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblymen Segerblom, Myrna Williams and Garner.

Assemblyman Myrna Williams moved that Assembly Bill No. 339 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Myrna Williams.

Motion carried.

Assembly Bill No. 357.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 367.

Amend section 1, page 2, line 2, after "In" by inserting: "the consolidated library district in".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Joint Resolution No. 28.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 173.

Bill read second time and ordered to third reading.

Senate Bill No. 283.

Bill read second time and ordered to third reading.

Senate Bill No. 308.
Bill read second time and ordered to third reading.

Senate Bill No. 318.
Bill read second time and ordered to third reading.

Senate Bill No. 319.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 93.
Bill read third time.
Remarks by Assemblyman Marvel.
Roll call on Assembly Bill No. 93:
YEAS—41.
NAYS—None.
Absent—Scherer.

Assembly Bill No. 93 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 116.
Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Assembly Bill No. 116:
YEAS—41.
NAYS—None.
Absent—Scherer.

Assembly Bill No. 116 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 124.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Assembly Bill No. 124:
YEAS—41.
NAYS—None.
Absent—Scherer.

Assembly Bill No. 124 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 465.
Bill read third time.
Remarks by Assemblymen Collins, Lambert, Porter, Augustine, Sader, Price, Myrna Williams and Giunchigliani.
Roll call on Assembly Bill No. 465:
YEAS—41.
NAYS—None.
Absent—Scherer.

Assembly Bill No. 465 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 502.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 426.

Amend sec. 9, page 6, line 3, by deleting "Section" and inserting:

"1. NRS 425.3805 is hereby repealed.

2. Section".

Amend the text of repealed sections by adding the text of NRS 425.3805, before the text of section 23 of chapter 393, Statutes of Nevada 1991, to read as follows:

"425.3805 Applicability of NRS 425.3810 to 425.3852, inclusive, to certain counties. [Expires by limitation on July 1, 1993.] The provisions of NRS 425.3810 to 425.3852, inclusive, apply in any county whose population is less than 400,000.".

Amend the title of the bill, second line, after "children;" by inserting: "expanding the applicability of certain existing provisions;".

Assemblyman Regan moved the adoption of the amendment.

Remarks by Assemblyman Regan.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Joint Resolution No. 27.

Resolution read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Joint Resolution No. 27:

YEAS—41.

NAYS—None.

Absent—Scherer.

Assembly Joint Resolution No. 27 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 441.

Bill read third time.

Remarks by Assemblyman Wendell Williams.

Roll call on Assembly Bill No. 441:

YEAS—41.

NAYS—None.

Absent—Scherer.

Assembly Bill No. 441 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 50, 53, 109, 171; Senate Concurrent Resolution No. 34.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Fred Hamilton.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Toynette Pearce and Beatrice Hamilton.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, May 5, 1993 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:20 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 5, 1993

Assembly called to order at 10:35 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Kenneth De Lyser.

The Holy Scriptures (Psalm 37:5) declare, "Commit your way to God, trust in Him and He will do it." Father, this day as we strive to commit our way to You, we cling to the promise of Your word. Grant us guidance and direction this day. Give each member of this Assembly divine wisdom that only comes from You. In Your precious Name we ask.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Concurrent Resolution No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

MYRNA WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 383, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Senate Bills Nos. 199, 209, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 4, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 107, 363.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 23, 60, 361.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators James, Smith and Adler as a first Committee on Conference concerning Senate Bill No. 75.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 49—Urging the State Board of Health to extend the time during which a physician is required to evaluate a person admitted to a facility for the care of adults during the day in order to receive a reimbursement from Medicaid for the evaluation.

Assemblyman Evans moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Concurrent Resolution No. 23.

Resolution read.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 329.

Amend the resolution, page 2, line 29, by deleting "students;" and inserting: "girls and boys, including the manner in which they are disciplined;".

Amend the resolution, page 2, by deleting line 34 and inserting: "should be considered:".

Amend the resolution, page 2, line 45, after "girls" by inserting "and boys".

Amend the resolution, page 3, line 1, by deleting: "be evaluated on" and inserting: "include in their goals and classroom observations".

Amend the resolution, page 3, by deleting lines 14 through 17.

Amend the resolution, page 3, line 18, by deleting "10." and inserting "9.".

Amend the resolution, page 3, line 21, by deleting "11." and inserting "10.".

Amend the resolution, page 3, line 26, by deleting "12." and inserting "11.".

Amend the resolution, page 3, line 30, by deleting "13." and inserting "12.".

Amend the resolution, page 3, line 33, by deleting "14." and inserting "13.".

Amend the resolution, page 3, line 37, by deleting "15." and inserting "14.".

Amend the resolution, page 3, line 41, by deleting "16." and inserting "15.".

Amend the resolution, page 3, line 42, after "girls" by inserting "and boys".

Amend the resolution, page 3, line 43, by deleting "17." and inserting "16.".

Amend the resolution, page 3, line 45, by deleting "18." and inserting "17.".

Amend the resolution, page 4, line 1, by deleting "19." and inserting "18.".

Amend the resolution, page 4, line 4, by deleting "20." and inserting "19.".

Amend the resolution, page 4, by deleting line 6 and inserting:

"20. State and local governing bodies should ensure that women and men of diverse".

Amend the resolution, page 4, line 9, by deleting "22." and inserting "21.".

Amend the resolution, page 4, line 12, by deleting: "23. State agencies" and inserting "22. Agencies".

Amend the resolution, page 4, line 16, by deleting "24." and inserting "23.".

Amend the resolution, page 4, line 18, by deleting "25." and inserting "24.".

Amend the resolution, page 4, line 21, by deleting "26." and inserting "25.".

Amend the resolution, page 4, by deleting lines 23 through 44 and inserting:

"26. Women teachers must be encouraged and supported to seek positions where they can bring the insights gained in the classroom to the formulation of policies related to education;

27. Strong policies against sexual harassment must be developed and enforced and all school personnel must take responsibility for enforcing these policies;

28. Schools should make support services, such as child care and transportation, available to students;

29. State and local school board policies should enable and encourage young mothers to complete school, without compromising the quality of education these students receive; and

30. Child care for the children of teen mothers must be an integral part of".

Amend the preamble of the resolution, page 2, line 4, after "Girls" by inserting "and boys".

Amend the preamble of the resolution, page 2, line 14, by deleting: "boys sexually harassing girls" and inserting "sexual harassment".

Amend the preamble of the resolution, page 2, line 18, by deleting "and" and inserting: "now, therefore, be it".

Amend the preamble of the resolution, page 2, by deleting lines 19 through 22.

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted and engrossed.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 580—An Act relating to public assistance; establishing goals and permissible means for aid to dependent children; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 581—An Act relating to juvenile correctional institutions; allowing the superintendent of the Nevada youth training center and the superintendent of the Caliente youth center to notify the public upon the escape of a potentially dangerous inmate; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 582—An Act relating to manufactured housing; authorizing the manufactured housing division of the department of commerce to provide by regulation for the limited licensure of servicemen; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblyman Freeman (by request):

Assembly Bill No. 583—An Act relating to parentage; authorizing contracts for assisted conception; requiring that such contracts specify the parentage of the child; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 23.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 60.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 107.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 361.

Assemblyman Porter moved that the bill be referred to the Concurrent Committees on Commerce and Ways and Means.

Motion carried.

Senate Bill No. 363.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 301.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 389.

Amend section 1, page 1, by deleting lines 10 through 12 and inserting: "than 5,000 gallons [.] *per day;*

(b) Septic systems comprised of single or multiple septic tanks and leach-fields; or

(c) Systems operated for the pretreatment of individual waste water before disposal to a publicly owned treatment plant.".

Amend the title of the bill by deleting the second and third lines and inserting: " "treatment" to exclude certain systems; and providing other matters properly relating thereto.".

Amend the summary of the bill, second line, by deleting "septic".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 379.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 397.

Amend section 1, page 1, line 8, by deleting the semicolon and inserting: "*which is required to be registered in this state;*".

Amend section 1, page 1, line 9, after "*vehicle*" by inserting: "*required to be registered in this state*".

Amend section 1, page 1, line 14, by deleting "*This section*" and inserting: "*The prohibition set forth in subsection 2*".

Amend section 1, page 1, line 19, by deleting the period and inserting: "*with a tolerance of 7 percent.*".

Amend section 1, page 2, line 21, by deleting "*A*" and inserting: "*Except as otherwise provided in this subsection, a*".

Amend section 1, page 2, line 22, after the period by inserting: "*A person may not be fined for such a violation if he presents evidence to the court that the transparent material has been corrected to be in compliance with subsection 2.*".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. This act becomes effective on July 1, 1994.".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 476.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 123.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 390.

Amend section 1, page 1, by deleting lines 6 and 7 and inserting: "*and provide the whole carcass for inspection by an authorized representative of the department or a veterinarian licensed to practice in Nevada. Except as otherwise provided in this subsection, the holder of the tag who provides the carcass for such an inspection is entitled, if the carcass is diseased and unfit for human consumption, to receive at no charge another tag as a replacement for the one he placed on the carcass pursuant to this subsection. The holder shall choose whether the replacement tag is to be issued for the current hunting season or for the next similar season. If the holder chooses to retain the head, antlers, carcass, horns or hide of the animal, and the authorized representative of the department or veterinarian approves the retention, the holder shall be deemed to waive any claim he may have had for the issuance of a replacement tag.*".

Amend section 1, page 1, by deleting lines 15 through 20 and inserting:

"*(d) A procedure for the issuance of a replacement tag pursuant to this section.*".

Amend sec. 2, pages 1 and 2, by deleting line 24 on page 1 and lines 1 and 2 on page 2, and inserting: "issued has been lost or destroyed and upon payment of a fee [in an amount equal to the fee provided by law for initial issuance of the tag.] *of $5, the department shall issue a duplicate tag to the applicant.*".

Amend the title of the bill, second line, by deleting "increasing" and inserting "revising".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 234.

Bill read second time and ordered to third reading.

Senate Bill No. 293.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 410.

Amend section 1, page 1, line 5, by deleting: "*or a public officer or employee;*" and inserting: "*a public officer or a public employee;*".

Amend section 1, page 1, line 7, by deleting: "*or a public officer or employee,*" and inserting: "*a public officer or a public employee,*".

Amend section 1, page 1, line 10, by deleting: "*or a public officer or employee.*" and inserting: "*, a public officer or a public employee.*".

Amend section 1, page 1, lines 11 and 12, by deleting: "*or a public officer or employee*" and inserting: "*, a public officer or a public employee*".

Amend section 1, page 1, line 19, by deleting: "*unit of local government in*" and inserting: "*political subdivision of*".

Amend the title of the bill, lines 3 and 4, by deleting: "or a public officer or employee;" and inserting: ", a public officer or a public employee;".

Amend the summary of the bill, second line, by deleting: "or public officer or employee" and inserting: ", public officer or public employee.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Joint Resolution No. 6.

Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 18.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 386.

Amend the resolution, page 1, by deleting lines 24 through 29 and inserting: "Wildlife Service to complete the final recovery plan for the Lahontan cutthroat trout as soon as possible after the period for public comment; and be it further

RESOLVED, That the Nevada Legislature urges that the United States Fish and Wildlife Service be directed to:

1. Cooperate, coordinate and take into careful consideration on a site-specific basis not only all public comment, but also all persons, businesses and governmental entities affected by the recovery plan;

2. Cooperate, coordinate and consult conscientiously with and use scientific research developed by institutions in the Great Basin and Intermountain scientific community; and

3. Include in the final plan the mechanism for the systematic delisting of each Lahontan cutthroat trout subbasin population which meets reasonable recovery criteria;

and be it further

RESOLVED, That the Nevada Legislature urges the Secretary of Interior and the Secretary of Agriculture to ensure the interagency cooperation necessary to effect the speedy, judicious and proper implementation in the field of the plans for the management of fisheries and the reintroduction of the Lahontan cutthroat trout; and be it further".

Amend the resolution, page 2, line 2, after "Service" by inserting: ", the Secretary of Agriculture".

Amend the preamble, page 1, line 2, by deleting the comma and inserting "; and".

Amend the preamble, page 1, by deleting lines 3 and 4.

Amend the preamble, page 1, by deleting lines 12 through 21 and inserting:

"WHEREAS, Geographically fragmented populations of Lahontan cutthroat trout are found in various subbasins in the river systems of northern Nevada; and

WHEREAS, The finalization and implementation of that plan for the recovery of the Lahontan cutthroat trout is vital not only to the recovery and preservation of the threatened populations of the trout, but also to the legitimate use and enjoyment of the public and private lands in Nevada; now, therefore, be it".

Amend the title of the resolution, first line, after "Service" by inserting: ", Secretary of Agriculture".

Amend the summary of the resolution, first line, after "Service" by inserting: ", Secretary of Agriculture".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Resolution ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 94.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 94:

YEAS—42.

NAYS—None.

Assembly Bill No. 94 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 28.

Resolution read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Joint Resolution No. 28:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 28 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 157.

Bill read third time.

Remarks by Assemblyman Augustine.

Roll call on Senate Bill No. 157:

YEAS—42.

NAYS—None.

Senate Bill No. 157 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 173.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Senate Bill No. 173:

YEAS—42.

NAYS—None.

Senate Bill No. 173 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 283.

Bill read third time.

Remarks by Assemblymen Augustine, Price and Garner.

Roll call on Senate Bill No. 283:

YEAS—35.

NAYS—Bonaventura, Collins, Gibbons, Humke, Perkins, Porter, Price—7.

Senate Bill No. 283 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 308.

Bill read third time.

Remarks by Assemblymen Bache, Anderson and Ernaut.

Roll call on Senate Bill No. 308:

YEAS—42.

NAYS—None.

Senate Bill No. 308 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 318.

Bill read third time.

Remarks by Assemblyman Garner.
Roll call on Senate Bill No. 318:
YEAS—42.
NAYS—None.

Senate Bill No. 318 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 319.
Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Senate Bill No. 319:
YEAS—42.
NAYS—None.

Senate Bill No. 319 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 11:12 a.m.

ASSEMBLY IN SESSION

At 11:22 a.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:
Assembly Bill No. 584—An Act relating to education; requiring the state board of education to establish a program of instruction in the prevention of teenage suicide; and providing other matters properly relating thereto.
Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.
Motion carried.

By the Committee on Judiciary:
Assembly Bill No. 585—An Act relating to discovery; revising certain provisions concerning discovery in criminal prosecutions; and providing other matters properly relating thereto.
Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.
Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 154.
The following Senate amendment was read:

Amendment No. 324.

Amend section 1, page 1, line 18, after the period, by inserting: "*The provisions of this paragraph do not prohibit a school district from upgrading or replacing such a mechanical device with a more efficient and effective device that is approved by the state board.*".

Assemblyman Wendell Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 154.

Remarks by Assemblyman Wendell Williams.

Motion carried.

Bill ordered enrolled.

Assembly Joint Resolution No. 17.

The following Senate amendment was read:

Amendment No. 307.

Amend the resolution, page 1, line 9, by deleting "care;" and inserting: "care that require recipients of Medicaid to enroll in such programs;".

Amend the resolution, page 1, by deleting line 14 and inserting: "coordinated program of health care, waivers of freedom of choice, statewide applicability and comparability of services must be".

Amend the resolution, page 1, by deleting line 17 and inserting: "justify and receive such waivers and involves extensive".

Amend the resolution, page 1, by deleting lines 25 and 26 and inserting: "programs of health care without having to obtain waivers of freedom of choice, statewide applicability and comparability of services from".

Amend the title of the resolution, third line, by deleting: "a waiver of freedom of choice" and inserting "certain waivers".

Assemblyman Evans moved that the Assembly concur in the Senate amendment to Assembly Joint Resolution No. 17.

Remarks by Assemblyman Evans.

Motion carried.

Resolution ordered enrolled.

Assembly Bill No. 136.

The following Senate amendment was read:

Amendment No. 264.

Amend sec. 12, page 7, by deleting line 3 and inserting: "*of the ensuing fiscal year:*".

Amend the bill as a whole by renumbering sec. 13 as sec. 14 and adding a new section designated sec. 13, following sec. 12, to read as follows:

"Sec. 13. Section 6 of Assembly Bill No. 137 of this session is hereby amended to read as follows:

Sec. 6. NRS 361.310 is hereby amended to read as follows:

361.310 1. On or before January 1 of each year, the county assessor of each of the several counties shall complete his assessment roll, and shall take and subscribe to an affidavit written therein to the effect that he has made diligent inquiry and examination to ascertain all the property within the county subject to taxation, and required to be assessed by him, and that he has assessed the property on the assessment roll equally and uniformly,

according to the best of his judgment, information and belief, at the rate provided by law. A copy of the affidavit must be filed immediately by the assessor with the department. The failure to take or subscribe to the affidavit does not in any manner affect the validity of any assessment contained in the assessment roll.

2. The county assessor shall close his roll as to all changes on the day he delivers it for publication. The roll may be reopened beginning the next day for changes that occur before July 1 in:

(a) Ownership;

(b) Improvements as a result of new construction, destruction or removal;

(c) Land parceling;

(d) Site improvements;

(e) Zoning or other legal or physical restrictions on use;

(f) Actual use, including changes in agricultural or open space use;

(g) Exemptions; or

(h) Items of personal property on the secured roll,

or to correct overassessments because of a factual error in *existence,* size , *quantity* or age.

3. Any changes made after the roll is reopened pursuant to subsection 2 may be appealed to the county board of equalization in the current year or the next succeeding year.

4. Each county assessor shall keep a log of all changes in value made to the secured roll after it has been reopened. On or before October 31 of each year, the county assessor shall transmit a copy of the log to the board of county commissioners and the Nevada tax commission.".

Assemblyman Price moved that the Assembly concur in the Senate amendment to Assembly Bill No. 136.

Remarks by Assemblyman Price.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 91, 131, 132, 223, 293, 297, 299, 345, 350, 362, 419; Assembly Concurrent Resolution No. 48; Senate Bills Nos. 127, 263, 270, 330, 336, 341; Senate Concurrent Resolutions Nos. 14, 15.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Evelyn Shewan.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Carol Gibson, Lucy Davis, Mary Liveratti, Joyce Peltier, Messrs. Ted Hoerth, Jerry Magnuson and the following students from St. Teresa Elementary School, Carson City: Jeremiah Abowd, Katrina Bacheller, Megan Bacigalupi, Brandon Crum, Laura Davis, Marc Ellsworth, Tom Evans, Kristin Foley, Brighid Fronapfel, Bridget Gibbons, Johnmin Hickey, Tracy Hoerth, Amanda Hoff, Robert

Irving, Judy Johnson, Jerome Lee, Sara Liveratti, Tiffany Magnett, Erik Magnuson, Rebecca Peltier, Shawn Salisbury, Amanda Sperling, Tanya Stafford, Jacqueline Straughan, Lauren Trethan, Andrew Van Gordon, Adam Wynott and Cole Yeager.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Judy Klein.

Assemblyman Porter moved that the Assembly adjourn until Thursday, May 6, 1993 at 10:30 a.m.

Motion carried.

Assembly adjourned at 11:35 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND NINTH DAY

CARSON CITY (Thursday), May 6, 1993

Assembly called to order at 10:47 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Kenneth De Lyser.

The word of God declares, "Call unto Me, and I will answer you, and I will show you great and mighty things that you do not know." Our Father, as we call upon You this day, we ask that You would show us the great things of life. Show us how to rightly govern the affairs of life. Show us how to live in peace and harmony with all men. Show us how to depend upon Your sovereign grace and mercy. But most of all, show us how to love unconditionally as You have loved us. Grant this request to each one in this room. In Your Precious Name we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 525; Senate Bill No. 164; Assembly Joint Resolution No. 31, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 527, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Joint Resolution No. 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 5, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Assembly Concurrent Resolution No. 20, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 61, 348.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 197.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 25.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 23.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblyman Giunchigliani.

Resolution adopted, as amended.

By the Committee on Elections and Procedures:

Assembly Resolution No. 8—Providing for the appointment of an additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That April Carino is elected as an additional attaché of the Assembly for the 67th session of the Legislature of the State of Nevada.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

Senate Joint Resolution No. 25.

Assemblyman Bennett moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Neighbors, Dini, Marvel, Gibbons, Regan, Carpenter, Petrak, Ernaut, Anderson, Segerblom, Hettrick, Toomin, Heller, Chowning, Collins, Scherer, Lambert, McGaughey, Bache, Bonaventura, Price, Giunchigliani, Evans, Sader, Smith, de Braga, Kenny, Arberry, Bennett, Perkins, Wendell Williams, Humke, Schneider, Garner, Augustine, Spitler, Tiffany, Haller, Myrna Williams, Porter and Gregory:

Assembly Bill No. 586—An Act relating to employment; revising the provision limiting the number of hours an employee may work in an underground mine; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblymen Regan, Schneider, Chowning, Hettrick, Toomin, Carpenter, Petrak, Bache, Bonaventura, Spitler, Price, Haller, Gregory and Humke:

Assembly Bill No. 587—An Act relating to the state public works board; authorizing the University of Nevada System to construct public works without using the services of the state public works board; and providing other matters properly relating thereto.

Assemblyman Regan moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Ernaut, Hettrick, Schneider, Gregory, Haller, McGaughey, Anderson, Heller, Segerblom, Gibbons, Toomin, Augustine, Petrak, Wendell Williams, Bonaventura, Regan, Price, Garner, Lambert, Humke, Marvel, Chowning, Giunchigliani, Tiffany, Arberry, Bache and Smith:

Assembly Bill No. 588—An Act relating to accountants; revising the provision concerning the waiver of certain requirements for a certificate as a certified public accountant; increasing the amount of the civil penalty which may be imposed by the Nevada state board of accountancy for certain violations; authorizing the board to recover attorney's fees incurred in respect to certain hearings; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen de Braga, Segerblom, Neighbors, Bonaventura, Ernaut, Hettrick, Toomin, Chowning, Anderson, Smith, Wendell Williams, Giunchigliani, Lambert, Humke, Tiffany, Petrak, Carpenter, Freeman, Gibbons, Porter, Bennett and Haller:

Assembly Bill No. 589—An Act relating to education; requiring the board of regents to establish a program of student teaching and practicum which allows students to participate at schools in a majority of the counties in this state; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 590—An Act relating to the taxicab authority; expanding the jurisdiction of the taxicab authority to include certain counties; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 61.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 348.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that Assembly Bill No. 339 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Garner.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 383.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 393.

Amend section 1, page 1, line 5, by deleting "age;" and inserting: "age [;] *, if compensation is received for the care of any of those children;*".

Amend sec. 2, pages 1 and 2, by deleting lines 13 through 26 on page 1 and lines 1 through 7 on page 2, and inserting:

"Sec. 2. NRS 432A.131 is hereby amended to read as follows:

432A.131 1. Child care facilities in any county or incorporated city where the governing body has established an agency for the licensing of child care facilities and enacted an ordinance requiring that child care facilities be licensed by the county or city need not be licensed by the bureau. The licensing agency shall adopt such standards and other regulations as may be necessary for the licensing of child care facilities, and the standards and regulations:

(a) Must be not less restrictive than those adopted by the board; and

(b) Take effect only upon their approval by the bureau.

2. An agency for the licensing of child care facilities established by a city or county may waive compliance with a particular standard or other regulation by a child care facility if:

(a) The agency finds that the practices and policies of that facility are substantially equivalent to those required by the agency in its standards and other regulations; and

(b) The waiver does not allow a practice which violates a regulation adopted by the board.

3. A governing body may adopt such standards and other regulations as may be necessary for the regulation of facilities which provide care for fewer than five children. If the standards so adopted are less restrictive than the standards for the licensure of child care facilities which have been adopted by the board, the governing body shall not issue a license to the

smaller facilities, but may register them in accordance with the standards which are less restrictive. *A governing body may require the registration of smaller facilities regardless of whether compensation is received for the care given at the facility.*

4. If a governing body intends to amend or repeal an ordinance providing for the licensing of child care facilities and the effect of that action will be the discontinuance of the governing body's licensure of child care facilities, the governing body shall notify the bureau of its intention to do so at least 12 months before the amendment or repeal becomes effective.".

Amend the title of the bill, second line, by deleting the semicolon and inserting: "and smaller facilities;".

Assemblyman Smith moved the adoption of the amendment.

Remarks by Assemblyman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 199.

Bill read second time and ordered to third reading.

Senate Bill No. 209.

Bill read second time and ordered to third reading.

Assembly Bill No. 339.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 368.

Amend section 1, page 1, line 7, after "Establish" by inserting: "*and amend, as necessary,*".

Amend section 1, page 1, line 11, after "*Establish*" by inserting: "*and amend, as necessary,*".

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblyman Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 148.

Bill read third time.

Remarks by Assemblymen Petrak, Scherer, Sader, Porter and Haller.

Roll call on Assembly Bill No. 148:

YEAS—39.

NAYS—Lambert, Scherer, Tiffany—3.

Assembly Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 191.

Bill read third time.

Remarks by Assemblymen Wendell Williams, Sader and Price.
Roll call on Assembly Bill No. 191:
YEAS—40.
NAYS—None.
Not voting—Sader, Scherer—2.

Assembly Bill No. 191 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 194.
Bill read third time.
Remarks by Assemblyman Hettrick.
Roll call on Assembly Bill No. 194:
YEAS—42.
NAYS—None.

Assembly Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 476.
Bill read third time.
Remarks by Assemblymen Carpenter and Anderson.
Roll call on Assembly Bill No. 476:
YEAS—41.
NAYS—Anderson.

Assembly Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 502.
Bill read third time.
Remarks by Assemblymen Regan, Myrna Williams, Sader and Porter.
Assemblyman Myrna Williams moved that Assembly Bill No. 502 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblymen Myrna Williams and Sader.
Motion lost on a division of the house.
Roll call on Assembly Bill No. 502:
YEAS—33.
NAYS—Chowning, de Braga, Giunchigliani, Kenny, McGaughey, Porter, Spitler, Myrna Williams, Wendell Williams—9.

Assembly Bill No. 502 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 234.
Bill read third time.
Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 234:

YEAS—42.

NAYS—None.

Senate Bill No. 234 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 6.

Resolution read third time.

Remarks by Assemblyman Ernaut.

Roll call on Senate Joint Resolution No. 6:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 6 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The second Committee on Conference concerning Assembly Bill No. 68, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be receded from.

STEPHANIE SMITH	MARK A. JAMES
WILLIAM DAVID GREGORY	R. HAL SMITH
BERNIE ANDERSON	DINA TITUS
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Smith moved that the Assembly adopt the report of the second Committee on Conference concerning Assembly Bill No. 68.

Remarks by Assemblyman Smith.

Motion carried.

Assemblyman Price moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:39 a.m.

ASSEMBLY IN SESSION

At 11:58 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 591—An Act relating to the public employees' retirement system; authorizing retirement at any age after 20 years of service; requiring an annual cost-of-living increase for all persons receiving retirement benefits; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 592—An Act relating to governmental finance; adjusting the fees charged by local governmental officers for services; providing for further adjustment; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Concurrent Committees on Taxation and Government Affairs.

Motion carried.

By Assemblymen Perkins, Heller, Petrak, Segerblom, Dini, Giunchigliani, Kenny, Chowning, Bonaventura, Bache, Collins, Gibbons, de Braga, Neighbors, Scherer, Price, Humke, Sader, Arberry, Spitler, Myrna Williams, Garner, Tiffany, Gregory, Bennett, Schneider, Wendell Williams and Anderson:

Assembly Bill No. 593—An Act relating to peace officers; requiring a law enforcement agency which conducts an investigation of the alleged misconduct of a peace officer to provide the officer with written notice of any interrogation or hearing he is required to attend; allowing a peace officer to explain an answer or refute a negative implication which results from questioning during such an interrogation or hearing; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 594—An Act relating to community property; prohibiting a court from finding the existence of an implied agreement to hold certain property as if it were community property; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 595—An Act relating to public works; requiring a public agency that acquires property for a project to comply with certain standards for providing relocation assistance to persons displaced by the acquisition; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Regan, Anderson, Sader, de Braga, Giunchigliani, Kenny, Bache, Haller, Chowning, Wendell Williams, Perkins, Freeman, Bonaventura, Price, Myrna Williams, Smith, Evans, Toomin, Petrak, Gar-

ner, Collins, Bennett, Schneider, Dini, Porter, Segerblom, Neighbors, Arberry, Spitler, Hettrick, Carpenter, Marvel, Scherer, Gregory, Tiffany, Augustine, Heller, Ernaut, Gibbons, Humke, Lambert and McGaughey:

Assembly Bill No. 596—An Act relating to prisoners; requiring the board of state prison commissioners to adopt regulations relating to the literacy of offenders in the custody of the department of prisons; making various changes to encourage the education of illiterate offenders; and providing other matters properly relating thereto.

Assemblyman Regan moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Judiciary:

Assembly Concurrent Resolution No. 50—Directing the Legislative Commission to conduct an interim study of summary eviction procedures.

Assemblyman Sader moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

UNFINISHED BUSINESS

Signing of Bills and Resolutions

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 136, 154; Assembly Joint Resolution No. 17; Senate Concurrent Resolution No. 36.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Ron Nagel and Ms. Barbara Johnson.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jose Solorio.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Diane Boone.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Mark Jolley.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Oddetta Coughlin, Cecelia Cooper and the following students from Bray Elementary School, Carson City: Mario Benitez, Darren Board, Shane Everly, Aaron Hinkle, Ivan Orantes, Kalon Pichardo, Steve Salazar, Nichole Andrews, Angela Bucknell, Lizbeth Diaz, Destiney Douglass, Tonya Ledezma and Deana Rupert.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Frederick A. Stein-

mann and the students from Wooster High School, Reno: Amber Altom, Michelle Anderson, Theresa Black, Stacee Collier, Jason Crist, Mari Dardic, Suzanne Decoursey, Lauralee DelCarlo, Jeremy Fairbanks, Kristine Garcia, Nicole Hayes, Jennifer Herman, Jin Hong, Tibor Incze, Amy Jacoby, Christal Kroetsch, Shannon Larsen, Sarah Larson, Won Lee, Melanie McLaughlin, Kristina Moore, John Nightingale, Josh Patterson, Travis Rabe, Jenny Rambo, Michelle Rondolet, Erika Rosas, Alicia Sarratea, Kellie Schnabel, John Seymour, Karri Shaffer, Kate Sheriff, Samir Shukla, Neil Stokley, Jennifer Taormina, Sara Tiemann, Ciera Tompkins, Spencer Trehal, Tom Walkiewicz, Dana Uken and Athena Yenko.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Patricia Randell.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Marilyn Duckworth and Dr. Dan Newburn.

Assemblyman Bennett moved that the Assembly adjourn until Friday, May 7, 1993 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:03 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 7, 1993

Assembly called to order at 10:38 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Arberry, Porter and Wendell Williams, who were excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Father, I have been called in today as a substitute for the chaplain who was scheduled. At this time in the session, many of us would like to call in substitutes to finish the task that we started, but that now seems nearly impossible. Give us strength for the days ahead, and joy that comes in knowing that what we are doing for You and our people is right. We ask this in the hope of that renewing strength. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Bennett moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 19, 359, 517; Senate Bills Nos. 54, 147, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 286, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 73, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 267, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 6, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 258, 363, 487.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 348, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Committee on Conference concerning Assembly Bill No. 68.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 92.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 64.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Tiffany, Anderson, Chowning, Haller, Bache, Lambert, Smith, Collins, Heller, Toomin, Carpenter, Neighbors, Ernaut, Hettrick, Petrak, Bonaventura, Augustine, Wendell Williams, Bennett, Schneider, Sader, Garner, Marvel, Gregory, Evans, Scherer, Humke, Gibbons and Arberry:

Assembly Bill No. 597—An Act relating to contractors; requiring the state contractors' board to establish and maintain a record of certain complaints, disciplinary action and lawsuits regarding contractors licensed by the board; requiring the board to establish a telephone number for persons to call to obtain any information contained in that record regarding a contractor; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblyman Kenny:

Assembly Bill No. 598—An Act relating to juvenile offenders; requiring the administrator of the division of child and family services of the department of human resources to establish and administer a program of regimental discipline for certain juvenile offenders; and providing other matters properly relating thereto.

Assemblyman Kenny moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblyman Bennett:

Assembly Bill No. 599—An Act relating to professional counselors; providing for the licensing and regulation of professional counselors; creating the board of professional counseling examiners; prescribing the powers and duties of the board; providing penalties; and providing other matters properly relating thereto.

Assemblyman Bennett moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 600—An Act relating to taxes on intoxicating liquor; allowing the governing body of an Indian reservation or colony to impose an excise tax on the privilege of importing, possessing, storing or selling liquor; prohibiting the department of taxation from collecting such taxes if the tax imposed by the governing body is equal to or greater than the tax imposed by the state; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 92.

Assemblyman Bennett moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 525.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 527.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 453.

Amend section 1, page 2, line 2, by deleting "*housing*" and inserting "*placement*".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 29.

Resolution read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 31.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 164.

Bill read second time and ordered to third reading.

Senate Bill No. 306.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 454.

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend the title of the bill, second line, by deleting: "transferring money between certain projects;".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:52 a.m.

ASSEMBLY IN SESSION

At 11:14 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 7, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 37.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 37.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini and Evans.

Resolution adopted unanimously.

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:23 a.m.

ASSEMBLY IN SESSION

At 11:31 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bennett moved that Assembly Bills Nos. 301, 379; Senate Bills Nos. 123, 199, 209, 293; Senate Joint Resolution No. 18, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Concurrent Resolution No. 20.

The following Senate amendment was read:

Amendment No. 399.

Amend the resolution, page 1, between lines 5 and 6, by inserting:

"WHEREAS, A program to ensure that employees do not work in an impaired condition resulting from the use of drugs is a key element in preventing accidents and protecting the safety of employees and customers; and".

Amend the resolution, page 1, by deleting lines 12 and 13 and inserting: "ers in this state to establish:

1. Programs to promote employee wellness, physical fitness and the prevention of disease and accidents; and

2. A program to ensure that employees work free of drugs that is based upon the model policy established by the Bureau of Alcohol and Drug Abuse of the Rehabilitation Division of the Department of Human Resources and contains provisions for the referral of employees to rehabilitation and counseling programs for the abuse of drugs and the dissemination of a list of available programs providing such treatment.".

Amend the title of the resolution, third line, by deleting the period and inserting: "and to ensure a workplace that is free from the use of drugs.".

Amend the summary of the bill, second line, by deleting the period and inserting: "and to ensure workplace that is free from use of drugs.".

Assemblyman Evans moved that the Assembly concur in the Senate amendment to Assembly Concurrent Resolution No. 20.

Remarks by Assemblyman Evans.

Motion carried.

Resolution ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Evans moved that the Assembly do not recede from its action on Senate Bill No. 197, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Evans.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Toomin, de Braga and Augustine as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 197.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 144.

The following Senate amendment was read:

Amendment No. 312.

Amend section 1, page 1, line 4, by deleting: "*within the judicial district*".

Amend section 1, page 1, by deleting lines 6 and 7 and inserting:

"*(a) Have been injured or had members of their families or close friends injured or killed by persons driving under the influence of an intoxicating liquor or a*".

Amend section 1, page 1, line 13, by deleting: "*panel within the judicial district.*" and inserting "*panel.*".

Amend section 1, page 1, by deleting lines 16 and 17 and inserting: "*meeting of the panel. The amount of the fee, if any, must be reasonable. The panel may not be operated for profit.*".

Amend section 1, page 2, by deleting lines 4 and 5 and inserting: "*have been injured or had members of their families or close friends injured or killed by persons driving under the influence of an intoxicating liquor or a*".

Amend section 1, page 2, line 9, by deleting "*may not*" and inserting: "*may, but is not required to,*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective upon passage and approval.".

Amend the title of the bill, fourth line after "residence;" by inserting: "authorizing the court to require attendance if such a meeting is not available within a certain distance from the offender's residence;".

Amend the summary of the bill, by deleting the second and third lines and inserting: "controlled substance to attend meeting on impact of his crime. (BDR 43-160)".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 144.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 79.

The following Senate amendment was read:

Amendment No. 195.

Amend section 1, page 1, line 6, by deleting "*432B.100, before*" and inserting: "*432B.100:*

(a) Before".

Amend section 1, page 1, line 8, by deleting "*(a)*" and inserting "*(1)*".

Amend section 1, page 1, line 10, by deleting "*(b)*" and inserting "*(2)*".

Amend section 1, page 1, line 11, by deleting "*victim.*" and inserting: "*victim; and*

(b) At the time a party seeks to use the deposition, the court determines that the conditions set forth in subparagraphs (1) and (2) of paragraph (a) continue to exist. The court may hold a hearing before the use of the deposition to make its determination.".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 79.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 59.

The following Senate amendment was read:

Amendment No. 230.

Amend section 1, page 1, by deleting lines 10 through 15 and inserting: "the] *; or*

(c) Facilitate escape.

The degree of force *used* is immaterial [. If used merely as a means of escape, it does not constitute robbery. Such] *if it is used to compel acquiescence to the taking of or escaping with the property.* A taking constitutes robbery whenever it appears".

Amend the title of the bill, second line, by deleting: "escape or to resist apprehension;" and inserting "escape;".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 59.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 227.

The following Senate amendment was read:

Amendment No. 253.

Amend section 1, page 1, line 22, after "*shall*" by inserting: ", *after the resolution of all criminal charges filed in this state against that person,*".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 227.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 51—Providing for the compensation of the clergy for services rendered to the Assembly and Senate during the 67th session of the Nevada Legislature.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Hettrick, Chowning, Ernaut, Petrak, Heller, Perkins, Bonaventura, Collins, Arberry, de Braga, Kenny, Marvel, Giunchigliani, Toomin, Segerblom, Neighbors, Anderson, Tiffany, McGaughey, Scherer, Schneider, Regan, Carpenter, Gregory, Augustine, Price, Sader, Dini, Gibbons, Humke, Lambert, Bache, Freeman and Evans:

Assembly Bill No. 601—An Act relating to community antenna television; providing a civil penalty and increased criminal penalty for a willful viola-

tion of certain provisions concerning unauthorized interception of the services of a community antenna television company for commercial advantage; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 602—An Act relating to mentally ill persons; clarifying provisions regarding the reduction of fees for the treatment of indigent clients in state facilities; revising the provisions governing the parties responsible for the payment of the costs of treating a person admitted to a state facility pursuant to a court order; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 603—An Act relating to ethics in government; coordinating and revising the provisions concerning contracts between a public officer or employee and a public agency; and providing other matters properly relating thereto.

Assemblyman Myrna Williams moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 64, 173, 283, 308, 318, 319.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Carol Williams, Roberta Bibee and Mary Williams.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jean Wright.

Assemblyman Bennett moved that the Assembly adjourn until Monday, May 10, 1993 at 10:30 a.m.

Motion carried.

Assembly adjourned at 11:44 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTEENTH DAY

CARSON CITY (Monday), May 10, 1993

Assembly called to order at 10:45 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Jeff Watkins.

Most Holy Father, as we begin a new week of service, we thank You for all things. This morning we pray for a renewal of our bodies and spirits, that we might serve You with a strength that is fresh and energetic. May You go before us in our work, help us to be productive. Humbly, we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Anderson, Evans, Sader, Smith, Tiffany, Arberry, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Dini, Ernaut, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Haller, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Price, Regan, Scherer, Schneider, Segerblom, Spitler, Toomin, Myrna Williams and Wendell Williams:

Assembly Concurrent Resolution No. 52—Congratulating Reed High School's girls' basketball team for winning the state "AAA" championship.

WHEREAS, For the third straight year, Reed High School's girls' basketball team won its conference, zone and state championships in the "AAA" league; and

WHEREAS, With the final win over the Elko "Indians," the Reed "Raiders" captured not only the state championship but established a state record of 83 consecutive wins, under the inspired guidance of coaches Dick Allen and Ed Shepard; and

WHEREAS, The "Raiders" include team members Kelly Ashby, Janel Chandler, Cristina Graham, Rasheeda Hardaway, Sarah Hayhoe, Kalani Lizares, Rebecca Rores, Laura Ross, Darci Shepley, Kelly Stevens and Vanessa Varela and team manager Tara Wilson; and

WHEREAS, The exceptional accomplishments of this fine team serve as both a source of pride and inspiration, and as a reminder that this level of excellence can be achieved only through hard work and dedication; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 67th session of the Nevada Legislature extends its congratulations to the Reed High School's girls' basketball team upon winning for the third straight year, the 1992-1993 state "AAA" championship and for their outstanding winning streak of 83 games; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Tim Griffin, Principal of Reed High School, and Coach Ed Shepard.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Evans, Haller, Giunchigliani, Myrna Williams, Carpenter and Mr. Speaker.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. All too infrequently, we have the opportunity to honor those students who have achieved something of true noteworthiness. This resolution speaks to an athletic program which has brought excellence to a group of young ladies, who for the last three years have remained undefeated. It also speaks highly of the educational program in Washoe County, in fact, throughout this state and has finally recognized the importance of women in athletics at this level. This resolution fully attests not only to these young ladies' ability athletically but, also, scholastically.

Mr. Speaker, today we have the captain of the basketball team, Miss Kelly Ashby, who is one of the five valedictorians at Reed High School with a perfect 4.0 Grade Point Average. She will be going on to play basketball at St. Mary's College in Moraga, California. Five of these young ladies are seniors and will be graduating soon. On my right are the two coaches: Mr. Ed Shepard, who has just recently completed this winning streak, and Mr. Dick Allen, who started the winning streak. These people show the excellence of what a good program can do. Thank you, Mr. Speaker.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I, too, would like to rise in support of Assembly Concurrent Resolution No. 52. Coming from a much older generation, I remember the days when you had something called the limited dribble in girls' and women's basketball. You could only bounce the ball a couple of times and then you had to pass it on. It was a half-court game. That is, you had guards on one side, forwards on the other, and when you reached that magical center line, you had to pass it across to the other side. You simply could not carry the ball the full length of the court. In those days, it was thought that to play a full court and have unlimited dribble, sort of like the guys, was too taxing on young women who could not endure all that physical exertion. It just goes to show you how wrong you can be.

I think a lot of what has happened in women's sports is a result of Title 9 of the Education Act. Every now and then, the federal government does something decent. Back in the early 70s, when they passed Title 9 to give equity and some semblance of equality to women's sports, it changed irrevocably. We are proud that they have done so. We are delighted to have the Reed Basketball Team here today to honor.

ASSEMBLYMAN HALLER:

Mr. Speaker, I rise in support of Assembly Concurrent Resolution No. 52. A lot of people may not know it, but I spent a lot of time in Sparks. At the time I taught there, Sparks High School was the only school in town. Now all kinds of things have happened. On occasion, I have substituted at Reed. I am very, very proud of this group. I think a lot of people miss the point that athletics are important to the morale and other things as far as schools are concerned. I urge support of this resolution.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Concurrent Resolution No. 52. I want to share a little story with you. As a school teacher for sixth, seventh and eighth grade students last year, the boys made a comment in class that said, "Women only belong in the kitchen and we really couldn't play sports." On behalf of my female students, we challenged the boys to a football game at the end of the school year. We beat them. I played on the team. That was something in and of itself. We wanted to try to get a message across, that we all can do anything we put our minds to. It is just not boys versus girls. I think these women are indicative of the fact that we are now on equal standing. I hope we see some of them back in the halls as fellow legislators in the future. Thank you.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Concurrent Resolution No. 52. For the past number of years, I have had the honor of being a presenter for the Lady Rebels when they have their awards. They are something to behold. The Lady Rebels team all have to maintain very high academic standards, the same as the young women who are joining us today. I wholeheartedly support this resolution. I certainly hope we see some of these young women on the Lady Rebels team in the future.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Concurrent Resolution No. 52. The Elko Indians came in second, and I think we should make note of that. I know that only number one counts. In this instance, I want to take note that the Elko Indians were number two. Hopefully, next year we will be number one and my friends from Sparks will be number two. Thank you, Mr. Speaker.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I do have my resident Fernley AA player right next to me. It brings back a story from my era. Back in about 1944 or 1945, Wadsworth still had a high school. They only had four boys and one girl in the high school. We didn't have divisions then, it was all state championships. They got to play in the state tournament, but they would not let the girl play. Things have changed for the better in 50 years.

Resolution adopted unanimously.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 52 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Freeman, Marvel, Haller, Ernaut, Garner, Gibbons, Carpenter, Heller, Myrna Williams, Anderson, Evans, Lambert, Bache, Chowning, Schneider, Smith, Spitler, Segerblom, Collins, de Braga, Price, Kenny, Bennett, Sader, Hettrick, Neighbors, Petrak, Toomin, Humke, Scherer, Giunchigliani, Tiffany, Gregory, Arberry, Regan, McGaughey, Augustine, Perkins, Porter and Dini:

Assembly Concurrent Resolution No. 53—Expressing the position of the Nevada Legislature concerning discrimination in employment and sexual harassment.

Assemblyman Freeman moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11 a.m.

ASSEMBLY IN SESSION

At 11:01 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Petrak, Sader, Myrna Williams, Toomin, Smith, de Braga, Kenny, Carpenter, Anderson, Regan, Haller, Bonaventura, Gibbons, Collins, Freeman, Segerblom, Bennett, Schneider, Garner, Hettrick, Neighbors, Heller, Perkins, Augustine, Arberry, Wendell Williams, Giunchigliani, Evans and Humke:

Assembly Bill No. 604—An Act relating to the support of children; providing a civil penalty for late payment by a parent with an obligation of support; requiring the reporting of delinquencies to credit bureaus; establishing a program of publishing the identities of delinquents not found; requiring the withholding of occupational licenses from delinquents; and providing other matters properly relating thereto.

Assemblyman Petrak moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 19.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 371.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 4 as sections 1 through 3.

Amend sec. 2, pages 1 and 2, by deleting lines 19 through 26 on page 1 and line 1 on page 2 and inserting:

"2. The department of personnel shall pay *a percentage of* the *base* amount provided by law for that fiscal year toward the cost of the premiums or contributions for group insurance for persons retired from the service of the state who have continued to participate. *Except as otherwise provided in subsection 3, the percentage to be paid must be calculated as follows:*

(a) For those persons who retire before July 1, 1993, 100 percent of the base amount provided by law for that fiscal year.

(b) For those persons who retire on or after July 1, 1993, with at least 5 years of service, 25 percent plus an additional 7.5 percent for each year of service in excess of 5 years to a maximum of 137.5 percent, excluding service purchased pursuant to NRS 286.300, of the base amount provided by law for that fiscal year.

3. If the amount calculated pursuant to subsection 2 exceeds the actual premium of the plan the retired participant selects, the balance must be credited to the self-insurance fund created pursuant to NRS 287.0435.

4. For the purposes of subsection 2:".

Amend sec. 3, page 2, by deleting lines 12 through 15 and inserting:

"Sec. 2. For the purposes of subsection 2 of NRS 287.046, the base amount:

1. For the fiscal year 1993-1994 is $119.35.
2. For the fiscal year 1994-1995 is $127.61.".

Amend sec. 4, page 2, by deleting lines 16 through 18 and inserting:

"Sec. 3. This act becomes effective on July 1, 1993.".

Amend the title of the bill, first and second lines, by deleting: "requiring an employer to pay for certain licenses required as a condition of state employment;".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Assemblyman Garner moved that Assembly Bill No. 19 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 359.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 372.

Amend sec. 2, page 1, line 5, by deleting "*Two*" and inserting "*Three*".

Amend sec. 2, page 1, by deleting line 7.

Amend sec. 2, page 1, line 8, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 2, page 1, line 11, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 3, page 2, by deleting lines 15 and 16 and inserting: "Sec. 3. *No money may be withdrawn or appropriated from the*".

Amend sec. 6, page 3, by deleting line 35 and inserting:

"(b) One of the members required pursuant to paragraph (a) of subsection 1 of that section, and the member required pursuant to paragraph (b) of subsection".

Amend sec. 6, page 3, line 39, by deleting "(d)" and inserting "(c)".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 490.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 517.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 406.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 284.384 is hereby amended to read as follows:

284.384 1. The director shall propose, and the commission shall adopt, regulations which provide for the adjustment of grievances for which a

hearing is not provided by NRS 284.165, 284.376 or 284.390. Any grievance for which a hearing is not provided by NRS 284.165, 284.376 or 284.390 is subject to adjustment pursuant to this section.

2. The regulations must provide procedures for:

(a) Consideration and adjustment of the grievance within the agency in which it arose.

(b) Submission to the employee-management committee for a final decision if the employee is still dissatisfied with the resolution of the dispute.

3. The regulations must include provisions for:

(a) Submitting each proposed resolution of a dispute which has a fiscal effect to the budget division of the department of administration for a determination by that division whether the resolution is feasible on the basis of its fiscal effects; and

(b) Making the resolution binding.

4. Any grievance which is subject to adjustment pursuant to this section may be appealed to the employee-management committee for a final decision.

5. *The employee may represent himself at any hearing regarding a grievance which is subject to adjustment pursuant to this section or be represented by an attorney or other person of the employee's own choosing.*

6. As used in this section, "grievance" means an act, omission or occurrence which an employee who has attained permanent status feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement.".

Amend the title of the bill, second line, by deleting: "before the personnel commission".

Amend the summary of the bill, first and second lines, by deleting: "before personnel commission".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 54.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 370.

Amend section 1, page 1, by deleting lines 19 and 20 and inserting: "taken. The minutes *shall be deemed to have permanent value and* must be retained by the public body for at least 5 years. *Thereafter, the minutes may be transferred for archival preservation in accordance with NRS 239.080 to 239.125, inclusive.* Minutes of meetings closed pursuant to NRS 241.030 become".

Amend the title of the bill to read as follows:

"An Act relating to meetings of public bodies; requiring the permanent retention of minutes of public records; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires permanent retention of minutes of public meetings. (BDR 19-865)".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 147.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 334.

Amend sec. 2, page 2, line 32, by deleting the period and inserting: "until the land is needed for state use.".

Amend sec. 2, page 2, line 43, by deleting: "section 1 of".

Amend sec. 2, page 2, between lines 44 and 45 by inserting:

"4. The state land registrar may request Carson City to reconvey the parcels to the State of Nevada at no charge when the parcels become needed for state use. Upon receipt of such a request, Carson City may remove from the parcels any improvements made thereto by Carson City and, not later than 2 years after receiving the request, shall reconvey all of Carson City's right, title and interest in the parcels to the State of Nevada. The reconveyance must also include a reconveyance of all of Carson City's interest in Evalyn Way, as granted to Carson City by the State of Nevada on April 14, 1977. Upon the required reconveyance, the state land registrar shall grant to Carson City an appropriate easement for access to the city's property to the east of the parcels.".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 267.

Bill read second time and ordered to third reading.

Senate Bill No. 286.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 73.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Assembly Bill No. 73:

YEAS—42.

NAYS—None.

Assembly Bill No. 73 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 301.

Bill read third time.

Remarks by Assemblyman Schneider.

Roll call on Assembly Bill No. 301:

YEAS—42.

NAYS—None.

Assembly Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 339.

Bill read third time.

Remarks by Assemblymen Segerblom, Anderson, Garner, Haller and Myrna Williams.

Roll call on Assembly Bill No. 339:

YEAS—42.

NAYS—None.

Assembly Bill No. 339 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 379.

Bill read third time.

Remarks by Assemblymen Chowning, Arberry, Bache, Smith, Gibbons, Giunchigliani, Porter, Haller, Price and Myrna Williams.

Assemblyman Myrna Williams moved that Assembly Bill No. 379 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Myrna Williams.

Motion carried on a division of the house.

Assembly Bill No. 383.

Bill read third time.

Remarks by Assemblymen Smith, Lambert and Evans.

Roll call on Assembly Bill No. 383:

YEAS—32.

NAYS—Bonaventura, Carpenter, Collins, Garner, Haller, Humke, McGaughey, Porter, Scherer, Spitler—10.

Assembly Bill No. 383 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 525.

Bill read third time.

Remarks by Assemblymen Scherer, Carpenter, Haller, Kenny, Price, Sader and Anderson.

Assemblymen Toomin, Bache and Humke moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 525.

Roll call on Assembly Bill No. 525:

YEAS—36.

NAYS—Arberry, Augustine, Carpenter, Haller, Marvel, Wendell Williams—6.

Assembly Bill No. 525 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:56 a.m.

ASSEMBLY IN SESSION

At 12:01 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 374, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 29.

Resolution read third time.

Remarks by Assemblyman Wendell Williams.

Roll call on Assembly Joint Resolution No. 29:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 29 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 31.

Resolution read third time.

Remarks by Assemblyman Toomin.

Roll call on Assembly Joint Resolution No. 31:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 31 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 123.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Senate Bill No. 123:

YEAS—42.

NAYS—None.

Senate Bill No. 123 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 164.

Bill read third time.

Remarks by Assemblymen Smith, Evans and Sader.

Assemblyman Porter moved that Senate Bill No. 164 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

Senate Bill No. 199.

Bill read third time.

Remarks by Assemblymen Porter, Haller, Gibbons and McGaughey.

Roll call on Senate Bill No. 199:

YEAS—42.

NAYS—None.

Senate Bill No. 199 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 209.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Senate Bill No. 209:

YEAS—42.

NAYS—None.

Senate Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 293.

Bill read third time.

Remarks by Assemblyman Petrak.

Roll call on Senate Bill No. 293:

YEAS—42.

NAYS—None.

Senate Bill No. 293 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 18.

Resolution read third time.

Remarks by Assemblyman de Braga.

Roll call on Senate Joint Resolution No. 18:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 18 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Senate Bill No. 164 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 164.

Bill read third time.

Remarks by Assemblymen Sader, Myrna Williams and Arberry.

Roll call on Senate Bill No. 164:

YEAS—42.

NAYS—None.

Senate Bill No. 164 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 59, 79, 144, 227, 258, 363, 487; Assembly Concurrent Resolution No. 20; Assembly Resolution No. 8; Senate Bill No. 234; Senate Joint Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Paul May.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Kelly Ashby, Messrs. Ed Shepard and Dick Allen.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Serena Robb and Rebecca Rores.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Christina Graham and Kelly Stevens.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Tim Griffin.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Janet Chandler.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Rasheeda Hardaway and Kalani Lizares.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Vanessa Varela, Kelly Stevens and Laura Ross.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, May 11, 1993 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:31 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FOURTEENTH DAY

CARSON CITY (Tuesday), May 11, 1993

Assembly called to order at 10:48 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Jeff Watkins.

Most Gracious Heavenly Father, we come to You in a spirit of humility and thanksgiving. Grant us this day a clarity of vision and perspective that we might better discern our function in this world. Help us to be patient when things appear to be moving slowly, and be our anchor when life seems to be a whirlwind. Thank You for hearing our prayer.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Senate Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 523, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 115, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 207, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 529, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 10, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 347, 370.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 87, 199, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 51, 52.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 382.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 228.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 19.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Evans, Wendell Williams, Freeman, Smith, Lambert, Bache, Tiffany, Anderson, Scherer, Chowning, McGaughey, Haller, Gregory, Bennett, Marvel, Carpenter, Segerblom, Myrna Williams, Gibbons, de Braga, Petrak, Bonaventura, Hettrick, Regan, Neighbors, Perkins, Heller, Humke, Toomin, Spitler, Arberry, Sader, Schneider, Augustine, Porter, Price, Dini, Garner, Kenny, Collins and Ernaut:

Assembly Concurrent Resolution No. 54—Commending educators from Nevada who have received awards from the Milken Family Foundation.

WHEREAS, The Foundations of the Milken Families are private philanthropic institutions organized in 1982; and

WHEREAS, In the past 11 years the Foundations of the Milken Families have awarded in excess of $160,000,000 in grants and commitments in support of education, community services, health care and medical research, human welfare and other areas; and

WHEREAS, Because the Foundation's core belief is that the future belongs to the educated, nearly one-half of their grants are for education; and

WHEREAS, In recognition of the importance of dedicated and innovative educators, the Milken Family Foundation established the "Milken Family Foundation National Educator Awards Program"; and

WHEREAS, As of March 28, 1993, the Program had presented individual prizes of $25,000 to outstanding educators in 20 states across the country; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That members of the 67th session of the Legislature of the State of

Nevada hereby commend the 12 educators from Nevada who have been the recipients of the $25,000 awards from the Milken Family Foundation in 1991 and 1992; and be it further

RESOLVED, That the following educators should be recognized and congratulated for their contributions to the children of this state: 1991 Award Recipients—Norlene Adams, Northside Elementary School, Churchill County; Elizabeth Asteriadis, Lois Allen Elementary School, Washoe County; Frank Brusa, Las Vegas High School, Clark County; Tamiko Christmas, Bonanza High School, Clark County; Phyllis Darling, District Office, Clark County; Vee Wilson, Grant Bowler Elementary School, Clark County; and be it further

RESOLVED, That the following educators should be recognized and congratulated for their contributions to the children of this state: 1992 Award Recipients—Shirley Barber, Mabel Hoggard Elementary School, Clark County; Marilyn Cook, Zephyr Cove Elementary School, Douglas County; Peggy Gant, Sparks High School, Washoe County; Jeffrey Norris, Sparks High School, Washoe County; Elaine Sherman, District Office, Clark County; John Snyder, Cimarron-Memorial High School, Clark County.

Assemblyman Wendell Williams moved the adoption of the resolution.

Remarks by Assemblymen Wendell Williams, Evans and Anderson.

Resolution adopted.

Assemblyman Evans moved that all rules be suspended and that Assembly Concurrent Resolution No. 54 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Evans moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:12 a.m.

ASSEMBLY IN SESSION

At 11:17 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bill No. 384; Senate Bill No. 249, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 19.

Assemblyman Porter moved that the resolution be referred to the Committee on Commerce.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Augustine, Marvel, Carpenter, de Braga, Hettrick, Gregory, Toomin, Gibbons, Humke, Scherer, Evans, Garner, Spitler, Price, Bonaventura, Ernaut, Wendell Williams, Regan, Petrak, Segerblom, Neighbors, Arberry, Lambert, Kenny, Chowning, Smith, Tiffany, Anderson, Bache, McGaughey and Dini:

Assembly Bill No. 605—An Act relating to the defacement of property; requiring a business to keep aerosol containers of paint in a locked cabinet or display case in larger cities; making it unlawful for a person to furnish a minor with an aerosol container of paint in larger cities; making it unlawful for a minor to purchase an aerosol container of paint in larger cities; making it unlawful to place graffiti on or otherwise deface the property of another; requiring a person who is found guilty of placing graffiti on or otherwise defacing property to perform community service in addition to any other penalty; permitting law enforcement agencies in larger cities to offer a reward for information which leads to the conviction of a person who placed graffiti on or otherwise defaced the property of another; requiring the owner of public or private property in larger cities to remove or cover any evidence that graffiti was placed on the property; requiring larger cities to establish a program for the abatement of graffiti; making various other changes; providing penalties; and providing other matters properly relating thereto.

Assemblyman Augustine moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 606—An Act relating to insurance; requiring insurers offering health insurance to make it effectively available to employees of small employers; requiring the establishment of a cooperative of small employers to facilitate the purchase of such insurance; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 607—An Act relating to engineering geologists; providing for the regulation and certification of engineering geologists; providing penalties; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 608—An Act relating to state highways; providing for the designation of Six-Mile Canyon Road in Storey and Lyon counties as a state highway; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 609—An Act relating to commercial drivers' licenses; establishing fees for the renewal of a commercial driver's license; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 610—An Act relating to sentences of prisoners; allowing the modification of the sentence of certain prisoners based upon the completion by the prisoner of an activity intended to rehabilitate him; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 611—An Act relating to gaming; revising the definition of "off-track pari-mutuel system" to include such systems used with regard to an intrastate pari-mutuel pool; revising the definition of "off-track pari-mutuel wagering" to include certain systems of wagering for the acceptance of wagers on certain sporting events in this state; revising the statute governing limitations on the division of commissions deducted from off-track pari-mutuel wagering; authorizing the Nevada gaming commission to adopt certain regulations; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 612—An Act relating to property; making various changes in the Uniform Common-Interest Ownership Act; revising the provisions governing organizations established for the ownership and maintenance of common open space; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 613—An Act relating to controlled substances; authorizing counties to establish a program for deferred prosecution for certain crimes relating to controlled substances; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 614—An Act relating to gaming; revising the restriction on the issuance of a nonrestricted gaming licenses to resort hotels located in certain counties; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Toomin, Chowning, Gregory, Smith, Ernaut, Hettrick, Regan, Garner, Bache, Anderson, McGaughey, Evans, Augustine, Petrak, Segerblom, Spitler, Price, Kenny, Gibbons, Humke, Wendell Williams, Bonaventura and Arberry:

Assembly Bill No. 615—An Act relating to the defacement of property; requiring a business to keep aerosol containers of paint in a locked cabinet or display case; making it unlawful for a person to furnish a minor with an aerosol container of paint; making it unlawful for a minor to purchase an aerosol container of paint; requiring a person who is found guilty of placing graffiti on or otherwise defacing property to perform community service in addition to any other penalty; authorizing a court to suspend the driving privileges of a person who is found guilty of violating a law related to graffiti or the defacement of property; authorizing a court to suspend the driving privileges of a parent or legal guardian of a minor who has been convicted four or more times of placing graffiti on or otherwise defacing property; making it unlawful to place graffiti on or otherwise deface the property of another; making it unlawful for a person to possess an aerosol container of paint in certain public areas; permitting law enforcement agencies to offer a reward for information which leads to the conviction of a person who placed graffiti on or otherwise defaced the property of another; requiring the owner of public or private property to remove or cover any evidence that graffiti was placed on the property; requiring counties and cities to establish a program for the abatement of graffiti; making various other changes; providing penalties; and providing other matters properly relating thereto.

Assemblyman Toomin moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 228.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 382.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a bill (BDR 48-1991) requested by the Committee on Natural Resources, Agriculture and Mining, be introduced by individual assemblymen.

Remarks by Assemblyman Freeman.

Roll call on Assemblyman Freeman's motion.

YEAS—26.

NAYS—Augustine, Carpenter, Garner, Gibbons, Gregory, Haller, Heller, Hettrick, Humke, Lambert, Marvel, Neighbors, Tiffany, Mr. Speaker—14.

Not voting—Anderson, Bonaventura—2.

The motion having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

SECOND READING AND AMENDMENT

Assembly Bill No. 374.

Bill read second time.

The following amendment was proposed by the Committee on Labor and Management:

Amendment No. 468.

Amend section 1, page 1, by deleting lines 4 through 15 and inserting: "*any person as a permanent replacement for an employee who, from the beginning of the dispute and in connection with that dispute, has engaged in activities for the purpose of collective bargaining or other mutual aid or protection.*

2. If an employee:

(a) From the beginning of a labor dispute and in connection with that dispute, has engaged in activities for the purpose of collective bargaining or other mutual aid or protection; and

(b) At the end of the labor dispute, is working for or has unconditionally".

Amend section 1, pages 1 and 2, by deleting line 23 on page 1 and lines 1 through 6 on page 2 and inserting:

"*4. As used in this section, "labor dispute" means a strike over wages, hours, other working conditions or other terms of employment which occurs during the term of a collective bargaining agreement or after its expiration.*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 490.

Bill read third time.

Remarks by Assemblyman Sader.

Assemblyman Sader moved that Assembly Bill No. 490 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

Assembly Bill No. 527.

Bill read third time.

Remarks by Assemblyman Wendell Williams.

Roll call on Assembly Bill No. 527:

YEAS—42.

NAYS—None.

Assembly Bill No. 527 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 267.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 267:

YEAS—42.

NAYS—None.

Senate Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 286.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Senate Bill No. 286:

YEAS—42.

NAYS—None.

Senate Bill No. 286 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 306.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 306:

YEAS—42.

NAYS—None.

Senate Bill No. 306 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

COMMUNICATIONS

STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89710

May 11, 1993

THE HONORABLE JOSEPH E. DINI, JR., *Nevada State Legislature,* Capitol Complex, Carson City, Nevada 89710

DEAR MR. SPEAKER:

Last Friday, May 7th, I went to the legislative building to take pictures for use in a speech I will give to Public Administrators this Thursday.

Friday morning I visited many legislators while they were in their offices working. I talked to them about my project and took the pictures I needed.

Later in the day I returned to finish the project and at that time I entered some offices that were unoccupied. Without question this was bad judgment.

It was a mistake, one for which I accept total responsibility. I know members of the Assembly are offended by this conduct and that reaction is completely understandable and correct. To be very frank about it, I am quite embarrassed by my action.

Therefore, please accept this letter of apology to you and through you to each and every member of the Assembly.

Sincerely,

SCOTT M. CRAIGIE
Chief of Staff

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 434 be taken from the Chief Clerk's desk and re-referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 75, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

ROBERT M. SADER	MARK A. JAMES
GENE T. PORTER	R. HAL SMITH
JOHN C. CARPENTER	ERNEST E. ADLER
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 75.

Remarks by Assemblyman Sader.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 616—An Act relating to water; requiring the establishment of appropriate plants as ground cover before the state engineer may approve any change in the transfer of the manner or place of use of water used for irrigation; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 68; Senate Concurrent Resolution No. 37.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Elizabeth Asteriadis, Cecile Casanova, Graciela Satue, Maike Schuttkacker and Mr. Pedro Gomez.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Susan Grady.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Vee Wilson.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Elaine Sherman.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Phyllis Darling.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Norlene Adams and Mr. Robert Quisenberry.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jeffrey Norris.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Jerry Falkenstein, Roger Cramer, Rommy Cronin, Mss. Pendery Clark, Marilyn Cook, Shirley Neu, Kathy Ives, Denise Terry, Joyce Johnson and the following students from Carson Valley Middle School: Joely Abdoo, Karl Amdal, Crystal Biaggini, Stephen Buffo, Jessica Clark, Steven Cordle, Amy Costa, Kristina Davis, Jay Flakus, Robert Forseth, Jr., Zoe Greenberg, Devanee Hames, Christopher Hewitt, Dana Hoffman, Michael Holst, Rosemary Hoskin, Andrea Ingram, Jennifer Ives, Amanda Johnson, Katy Johnson, Mark Johnson, Steven Kinford, Ryan Larsen, Shawn Lovelace, Joshua Lundquist, Michelle Martin, Jason Martinez, Heather Matthews, Brian McCoy, Nicole McKenzie, Conan Morgan, Benjamin Pratt, Crystal Rankin, Tiffany Reynolds, Jody Riddell, Dannielle Ripoli, Billie Rodgers, Amy Simpson, Valerie Smith, Darlene Smokey, Lourdes-Lori Soto, Ernest Spandau, Clarise Stockle, Christopher Sulprizio, Luwana Thomas, Alena Vadenais, Zack Weber, Jennifer Weske, Jessica Wixom, Lisa Adlao, Meghan Burns, Michael Chappell, Kelly Connelly, Nicole Cosentino, Kenneth Cox, Marissa Cullers, Kristin Cutler, Courtney Dirksen, Melissa Edwards, Justin Enget, Jackie Fitzgerald, Brandon Flaherty, Sarah Govan, Michael Hadfield, Mickey Hammons, Kevin Hearold, Jamie Herman, Cory Hinsz, Esau Iguado, Venice Jackson, Mark Johnson, Nicolas Johnson, Francoyani

Jurado, Jason Kizer, Anne Ledoux, Michelle Madera, Megan McDonald, Stephen Moore-Martin, Jason Morgan, Jennifer Morin, Joel Morris, Erik Newell, Timothy Ojeda, Fawn Pasqua, Dustin Paxton, Raymond Payne, Jacob Rasmussen, Esteban Rey, April Robinson, Tara Schmidt, Rudolf Seibert, Brooke Smith, Cody Smith, William Smith, Evan Solomon, Danielle Sullivan, Christina Thomas, Tyler Thompson, Tera Velasquez, Leslie Vido, Jared Walker, Megan Walsh, Lisa Weiss, Carlene Wellington, Leah Winnen and Wade Wulfing.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Peggy Grant.

On request of Assemblyman McGaughey, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. John Snyder.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Eugene Paslov.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Yilin Wang and Mr. Dave Curtis.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jim Welch.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Tamiko Christmas.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Michael Pescetta.

On request of Assemblyman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Frank Brusa.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Dr. Brian Cram.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Shirley Barber.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, May 12, 1993 at 10:30 a.m.

Motion carried.

Assembly adjourned at 11:47 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), May 12, 1993

Assembly called to order at 10:37 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Ernaut, who was excused.

Prayer by the Chaplain, The Reverend Jeff Watkins.

Heavenly Father, we ask Your blessing upon this meeting today. May we be about Your work with precision and efficiency. May our hearts be pure, our words sincere and our minds stayed on Thee. Humbly, we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 104, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 576; Senate Bills Nos. 242, 291, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 11, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 117, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 54.

Also, I have the honor to inform your honorable body that the Senate amended and on this day adopted, as amended, Assembly Concurrent Resolution No. 31, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 114, 229.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 72.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Coffin, Townsend and O'Donnell as a first Committee on Conference concerning Senate Bill No. 197.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 75.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved that Senate Joint Resolution No. 7 be taken from the Second Reading File and re-referred to the Committee on Elections and Procedures.

Remarks by Assemblyman Myrna Williams.

Motion carried.

By Assemblymen Evans, Chowning, Spitler, Myrna Williams, Perkins, Heller, Price, Giunchigliani, Marvel, Arberry, Garner, Kenny and McGaughey:

Assembly Concurrent Resolution No. 55—Urging local governments to continue water conservation efforts despite the heavy winter snowfall.

Assemblyman Evans moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 617—An Act relating to commercial transactions; adopting the recent revisions of the Uniform Commercial Code concerning commercial paper, bank deposits and collections; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 618—An Act relating to state interests in land; relinquishing state claims to certain portions of the beds and banks of the Truckee River within the Pyramid Lake Indian Reservation and to certain land under and surrounding Pyramid Lake; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 619—An Act relating to metropolitan police departments; providing that the statutes governing a metropolitan police depart-

ment do not prohibit participating political subdivisions from establishing certain units of specialized law enforcement; specifying the jurisdiction and authority of certain such units; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 620—An Act relating to the state department of conservation and natural resources; requiring certain studies to be performed by the department or its designee; requiring the expenses of those studies to be paid by the applicant; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 114.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 229.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 176.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 419.

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 405.191 is hereby amended to read as follows:

405.191 As used in NRS 405.193 and 405.195, "public road" includes:

1. A United States highway, a state highway or a main, general or minor county road and any other way laid out or maintained by any governmental agency.

2. Any way which exists upon a right of way granted by Congress over public lands of the United States not reserved for public uses in chapter 262, section 8, 14 Statutes 253 (former 43 U.S.C. § [932),] *932, commonly referred to as R.S. 2477),* and accepted by general public use and enjoyment before or after July 1, 1979. Each board of county commissioners may locate and determine the width of such rights of way and locate, open for

public use and establish thereon county roads or highways, but public use alone has been and is sufficient to evidence an acceptance of the grant of a public user right of way pursuant to former 43 U.S.C. § 932.

3. Any way which is shown upon any plat, subdivision, addition, parcel map or record of survey of any county, city, town or portion thereof duly recorded or filed in the office of the county recorder, and which is not specifically therein designated as a private road or a nonpublic road, and any way which is described in a duly recorded conveyance as a public road or is reserved thereby for public road purposes or which is described by words of similar import.

Sec. 2. NRS 405.193 is hereby amended to read as follows:

405.193 *1.* No public agency is required to maintain any public road which is so designated only because it meets the requirements set forth in subsection 1 or 2 of NRS 405.191 nor is any public agency required to accept any public road as a main, general or minor county road.

2. No action may be brought against the county, its officers or employees for damage suffered by a person solely as a result of the unmaintained condition of a road made public pursuant to NRS 405.195.".

Amend section 1, page 1, by deleting lines 2 through 12 and inserting:

"405.195 1. [The governing body of any political subdivision affected by a public road which meets the requirements of NRS 405.191] *Five or more residents of this state may petition any board of county commissioners to open, reopen, close, relocate or abandon a public road within the county. The petition must be accompanied by proof of the petitioners' residency and adequate maps and documentation to justify a hearing on the petition. Upon receipt of such a petition and the required documentation, the board of county commissioners shall set a date to conduct a public hearing on the petition. The date selected must not be earlier than 30 days, nor later than 45 days, after the petition is submitted. In addition to any other notice required by law or ordinance, the board shall cause notice of the time, date and location of the hearing to be published at least once each week for 2 successive weeks in a newspaper of general circulation in the county.*

2. Upon conclusion of the public hearing, the board shall determine whether the road in question has acquired the status of a public road because:

(a) Construction of the improvement occurred while the land was unappropriated, unreserved public land;

(b) The improvement was constructed by mechanical means which made the physical change to the natural area necessary for the customary or usual passage of traffic; and

(c) The right of way was:

(1) Accepted by the state or local government for dedication as a road for public use and thereafter the road was used by the public at large; or

(2) Accepted by use as access to a mining claim or other privately owned property.

3. If the board concludes that the road is a public road, the board may order the public road to be opened, reopened, closed, relocated or abandoned, for all or part of the year. The board's decision must be based on specific findings, including, but not limited to:

(a) The resulting benefit to the general public;

(b) Whether any significant impairment of the environment or natural resources will result; and

(c) Whether the decision will result in a significant reduction in the value of public or private property.

4. Any person or governmental agency may bring and maintain an action in the district court of the county in which the public road lies to prevent any person, including a public agency, [except an agency of the Federal Government, from denying public use of that road.

2.] *from violating an order issued pursuant to subsection 3.*

5. The attorney general may bring and maintain an action in any court or before any federal agency if an agency or instrumentality of the Federal Government denies the use of a public road located on public land in this state.

6. Nothing in this section affects the right of the department of transportation to regulate freeways or highways in this state.".

Amend the bill as a whole by adding a new section, designated sec. 4, following section 1, to read as follows:

"Sec. 4. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"An Act relating to public roads; revising provisions relating to roads made public by prescriptive use; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions regarding roads made public by prescriptive use. (BDR 35-285)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 207.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 344.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. 1. The superintendent of public instruction and the director of the department of human resources shall, not later than July 15, 1993, appoint a task force to study the feasibility of establishing course work in American Sign Language in secondary and post-secondary schools for credit as a foreign language and as a special course in elementary schools. The superintendent of public instruction shall provide clerical support for the

task force. The task force shall hold its first meeting not later than August 15, 1993, and shall, not later than November 15, 1994, submit its findings and recommendations to the director of the legislative counsel bureau for transmittal to the legislative commission.

2. The task force must be comprised of a majority of members who are deaf or who are related to a deaf person. To the extent possible, the membership of the task force must include:

(a) The coordinator of sensory deficit program for Clark County and the coordinator of the programs for the hearing impaired in Washoe County;

(b) The president of the Nevada Association of the Deaf, or his designee;

(c) The president of the Telecommunications Council, or his designee;

(d) A representative of the Telecommunications Relay Centers;

(e) A representative of deaf parents who reside in a rural community;

(f) A deaf student;

(g) The president of the Parents Advisory Committee of Hearing Impaired Children in Reno and Las Vegas;

(h) The executive director of the Nevada State Education Association, or his designee;

(i) The chairman of the Rural Alliance, or his designee;

(j) A representative from the foreign language departments of the University of Nevada, Reno, the University of Nevada, Las Vegas and the Community College System of Nevada;

(k) A representative of the department of education who is knowledgeable regarding special education and a representative of the rehabilitation division of the department of mental health and mental retardation;

(l) The president of the Nevada Interpreters Guild, or his designee;

(m) Two instructors of American Sign Language, one of whom must be deaf; and

(n) Such other persons as the superintendent and director deem appropriate.

3. The task force shall:

(a) Compile and analyze legislation of other states which has served to enact American Sign Language as a foreign language for the purpose of educational credit.

(b) Identify the potential effect of course work in American Sign Language on the availability of teachers of and interpreters for deaf Nevadans.

(c) Determine the potential effect of course work in American Sign Language in increasing the opportunities for deaf persons for employment, mainstream education and community access;

(d) Determine the interest by pupils and students for course work in American Sign Language for educational credit in Nevada.

(e) Identify existing curricula on American Sign Language being taught in Nevada's schools and examine related historical trends.

(f) Provide recommendations for any necessary legislation related to the establishment of course work for educational credit, including proposals for time schedules and varying levels of participation.

(g) Ascertain the costs related to carrying out the various levels of course work recommended by the task force.

4. The members of the task force shall serve without salary. The members are entitled to per diem and travel expenses for attending four meetings of the task force. Each additional meeting must be held in a location which facilitates the use of teleconferencing to eliminate travel expenses for the members.

Sec. 2. 1. There is hereby appropriated from the state general fund to the department of education the sum of $3,812 to cover the per diem and travel expenses of the members of the task force created pursuant to section 1 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after December 1, 1994, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend the bill as a whole by renumbering sec. 2 as sec. 3.

Amend the title of the bill to read as follows:

"An Act relating to education; directing the appointment of a task force to study the feasibility of establishing course work in American Sign Language for credit as a foreign language in certain schools; making an appropriation; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Directs appointment of task force to study feasibility of establishing course work in American Sign Language in certain public schools. (BDR S-274)".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 384.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 395.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 479.

Amend section 1, page 1, line 10, by deleting "*0.0774*" and inserting "*7.74*".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 523.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 470.

Amend section 1, page 1, by deleting lines 13 through 19 and inserting:

"(f) [For judicial approval of the compromise of a claim of a minor.

(g)] To establish the date of birth, place of birth or parentage of a minor.

[(h)] *(g)* To change the name of a minor.

[(i)] *(h)* For a judicial declaration of the sanity of a minor.

[(j)] *(i)* To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

(j) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an".

Amend the title of the bill, first line, after the semicolon by inserting: "removing from the exclusive jurisdiction of the family court the approval of the compromise of a claim of a minor;".

Amend the summary of the bill to read as follows:

"Summary—Revises exclusive jurisdiction of family court. (BDR 1-1685)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 529.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 249.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 115.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 433.

Amend sec. 4, page 2, line 6, by deleting "*expenses in*" and inserting: "*actual expenses in voluntarily*".

Amend sec. 6, pages 2 and 3, by deleting lines 36 through 48 on page 2 and lines 1 through 5 on page 3 and inserting: "41.038, inclusive, [and] subsection 4 of this section [,] *and any statute which expressly provides for governmental immunity,* if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive, or the limitations of NRS 41.010. The State of Nevada further waives the immunity from liability and action of all political subdivisions of the state, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, [and] subsection 4 of this section [,] *and any statute which expressly provides for governmental immunity,* if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive.

2. An action may be brought under this section against the State of Nevada or any political subdivision of the state. In any action against the State of Nevada, the action must be brought in the name of the State of Nevada on relation of the particular department, commission, board or other agency of the state whose actions are the basis for the suit. An action against the State of Nevada must be filed in the county where the cause or some part

thereof arose or in Carson City. In an action against the State of Nevada, the summons and a copy of the complaint must be served upon the secretary of state and the person serving in the office of administrative head of the named agency.

3. Upon receipt of such a complaint, the secretary of state shall deliver a copy of the complaint to the risk management division of the department of administration.

4. The State of Nevada does not waive its immunity from suit conferred by Amendment XI of the Constitution of the United States.".

Amend the bill as a whole by adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. Section 6 of this act becomes effective at 12:01 a.m. on October 1, 1993.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 359.

Bill read third time.

Assemblyman Arberry moved that Assembly Bill No. 359 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assembly Bill No. 517.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 517:

YEAS—40.

NAYS—Lambert.

Absent—Ernaut.

Assembly Bill No. 517 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 54.

Bill read third time.

Remarks by Assemblymen Garner, Sader, Haller and Myrna Williams.

Roll call on Senate Bill No. 54:

YEAS—40.

NAYS—Haller.

Absent—Ernaut.

Senate Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 147.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Senate Bill No. 147:

YEAS—41.

NAYS—None.

Absent—Ernaut.

Senate Bill No. 147 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 490 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 490.

Bill read third time.

Remarks by Assemblymen Smith, Price, Sader, Arberry and Haller.

Roll call on Assembly Bill No. 490:

YEAS—36.

NAYS—Bonaventura, Gregory, McGaughey, Price, Myrna Williams—5.

Absent—Ernaut.

Assembly Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Carpenter:

Assembly Bill No. 621—An Act relating to criminal procedure; repealing certain statutory provisions governing a recommendation for punishment agreed upon by a defendant and the district attorney with a plea of guilty or nolo contendere to certain offenses; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of honoring former Nevada Assemblymen.

Assembly in recess at 11:14 a.m.

ASSEMBLY IN SESSION

At 11:28 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 18, 21, 194, 264, 266, 276, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 347, 370; Assembly Concurrent Resolutions Nos. 51, 52; Senate Bills Nos. 75, 164, 199, 209.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Stanley Piekarz, David Stanley, Wirt Twitchell, Mss. Carol Piekarz, Julie Arciniega, Linda Tumbusch, Olivia Weise, Susan Malby, Marlet Hamilton, Sigi Vogl, and the following students from Pleasant Valley Elementary School, Reno: Hamilton Ashworth, Angie Brown, Carley Carson, Justin Crowell, Carlos Flores, Trisha Gossy, B. J. Lundeen, Justin Mezera, Kristin Meyers, Jessica Ober, James Schardt, April Stephens, Jessica Surrett, Teresa Tumbusch, Joe Vaughan, David Welge, Lindsay Bjelde, Michael Wilson, Krissy Pittman, Jessica Allen, Jenea Wessman, Tim Aragon, Brian Barnard, Nate Collingham, Justin Dewing, Brandon Krouse, Timothy Martin, Joshua Newton, Matt Rohn, Danny Sahwimmer, Jacob Sanders, Josh Webb, Travis Weise, Melani Atkins, Angela Baley, Courtney Couch, Marylou Etcheberry, Bridget Meade, Victoria Roach, Amanda Schreiber, Kristen Stockwell, Cheriee Comeau, Matt Atkinson, Ryan Costella, Joe Jacklin, Ben Johnson, Seth Johnson, Danny Knox, Chris Schowey, Tristan Stiles, Casey Walker, Justin Wilt, Brian Hepworth, Bryce Barnes, Haaland Birchill, Nikki Colthorp, Anna de Arrieta, Stephanie Delano, Charlene Edgington, Gina Francis, Barbi Keen, Jessica Mullen, Amanda Twitchell, Christina Vogl, Kayleen Voorhees and Molli Wilcox.

On request of Assemblyman Regan, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Bill Kissam, Paul May and Ms. Lucille May.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Samantha Bueno.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Shelley Berkley and Master Max Berkley.

Assemblyman Porter moved that the Assembly adjourn until Thursday, May 13, 1993 at 10:30 a.m.

Motion carried.

Assembly adjourned at 11:31 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), May 13, 1993

Assembly called to order at 10:38 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Jeff Watkins.

Most gracious and loving Heavenly Father, we approach Your throne of grace with humble hearts. May You be a soft whisper of guidance to us today that our paths may be clear before us. Bless this assembly that we may be productive in our labor. Thank You for hearing our prayer. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 423, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 238, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 149, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Hettrick, Lambert, Augustine, Tiffany, Carpenter, McGaughey, Gibbons, Gregory, Heller and Marvel:

Assembly Concurrent Resolution No. 56—Commending the Nevada Federation of Republican Women for their public service.

WHEREAS, In 1947, Nevada Republican women recognized the power of women in politics and initially formed the Republican Women of Las Vegas; and

WHEREAS, By 1950, this organization had grown to include women from all parts of Nevada and thus the name was changed to Nevada Federation of Republican Women, with Lucie Humphrey of Reno elected to be the first president of the newly founded statewide organization; and

WHEREAS, Members of this organization are energetic and active and offer guidance and support for Republican candidates who choose to run for local, state or national offices; and

WHEREAS, The Nevada Federation of Republican Women also have dedicated many hours in outreach programs for minorities and youth in their communities; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 67th session of the Nevada Legislature recognize the important role the Nevada Federation of Republican Women have played in politics and do hereby commend this organization for its public service; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Paula Schlegelmilch, President for the 1993-1995 biennium.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblyman Hettrick.

Assemblyman Porter requested that Assemblyman Hettrick's remarks be entered in the Journal.

Thank you, Mr. Speaker. I think it is appropriate that we honor these ladies who have worked so hard for years to promote good government in the State of Nevada and elsewhere. In addition, I think it is important that they are working to support women candidates. We have a good crop in both parties. We are proud of our assembly ladies. Finally, I want to mention that the Nevada Federation of Republican Women are holding their meeting this weekend in Douglas County and Douglas County is extremely proud. I would appreciate your support on this resolution.

Resolution adopted unanimously.

Assemblyman Hettrick moved that all rules be suspended and that Assembly Concurrent Resolution No. 56 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Hettrick moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:47 a.m.

ASSEMBLY IN SESSION

At 10:53 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 12, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 35.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 115, 176, 207, 395 and 523 be placed on the General File.

Motion carried.

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 57—Directing the Legislative Commission to conduct an interim study of the desirability and feasibility of amending the requirement that the boundaries of the county school districts be coterminous with the boundaries of the counties of this state.

Assemblyman Garner moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Assemblyman de Braga moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a bill (BDR 48-2068) requested by the Committee on Natural Resources, Agriculture and Mining, be introduced by individual assemblymen.

Remarks by Assemblyman de Braga.

Roll call on Assemblyman de Braga's motion:

YEAS—38.

NAYS—Gibbons, Hettrick, Humke, Marvel—4.

The motion having received a Constitutional majority, Mr. Speaker declared it carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 622—An Act relating to urban improvement; authorizing the creation of districts to finance, by special assessment, activities and improvements to attract tourists and other potential customers to business districts; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 623—An Act relating to the state emergency response commission; authorizing the commission to adopt regulations which regulate the division of emergency management of the department of the military; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 624—An Act relating to water; revising procedures concerning applications for water rights; requiring proof of reasonable diligence in pursuing perfection before an extension of time may be granted; increasing under certain circumstances the fee for filing an application for an

extension of time within which to file proof; clarifying the manner in which money in certain accounts may be used; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 625—An Act relating to divorce actions; prohibiting false accusations of battery upon a spouse or abuse or neglect of a child; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 626—An Act relating to gaming; making various changes to the statutes regulating gaming to accommodate the use of a cashless wagering system; defining "manufacturer" for the purposes of such statutes; providing penalties; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 627—An Act relating to criminal procedure; allowing the use of an affidavit of an owner, possessor or occupant of property at a preliminary examination or a proceeding of a grand jury under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 628—An Act relating to gaming; repealing certain statutory provisions concerning the awarding of rights to disseminate a live broadcast of races; making various other changes relating to the dissemination of information concerning racing; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 629—An Act relating to installment loans; requiring the licensure of lenders located in this state which solicit and make installment loans to persons located outside of this state; expanding the permissible forms of insurance a licensee may provide, obtain or take as security for a loan; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 630—An Act relating to public employees' retirement; allowing disability retirement for certain police officers and firemen without regard to the number of years of service; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Heller, Spitler, Segerblom, Price, Toomin, Tiffany, Humke, Augustine, Neighbors, Bache, Petrak and Ernaut:

Assembly Bill No. 631—An Act relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for medical equipment and supplies if ordered or prescribed by a physician and for auditory devices and appliances; contingently creating the same exemption from certain analogous taxes; and providing other matters properly relating thereto.

Assemblyman Heller moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 576.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 18.

Bill read second time and ordered to third reading.

Senate Bill No. 21.

Bill read second time and ordered to third reading.

Senate Bill No. 104.

Bill read second time and ordered to third reading.

Senate Bill No. 193.

Bill read second time and ordered to third reading.

Senate Bill No. 194.

Bill read second time and ordered to third reading.

Senate Bill No. 242.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 516.

Amend sec. 14, page 9, by deleting lines 25 through 39 and inserting:

"463.540 After licensing pursuant to NRS 463.170, a corporation, other than a publicly traded corporation:

1. Before it may issue or transfer any security to any person, shall file a report of its proposed action with the board and commission, which report must request the approval of the commission. The commission shall have 90 days within which to approve or deny the request. If the commission denies the request, the corporation shall not issue or transfer any such security.

2. Shall file a report of each change of the corporate officers and the members of its board of directors with the board and commission [.] *within 30 days after the change becomes effective.* The commission [shall have] *has* 90 days within which to approve or disapprove the change. During the 90-day period and thereafter if the commission does not disapprove the change, the officer or member of the board of directors is entitled to exercise all powers of the office to which he was so elected or appointed.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 264.

Bill read second time and ordered to third reading.

Senate Bill No. 266.

Bill read second time and ordered to third reading.

Senate Bill No. 276.

Bill read second time and ordered to third reading.

Senate Bill No. 291.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 518.

Amend the bill as a whole by renumbering sections 5 and 6 as sections 6 and 7 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 4. Section 1 of Assembly Bill No. 68 of this session is hereby amended to read as follows:

Section 1. NRS 11.215 is hereby amended to read as follows:

11.215 1. Except as otherwise provided in section 1 of [this act,] *Senate Bill No. 291 of this session,* an action to recover damages for an injury to a person arising from the sexual abuse of the plaintiff which occurred when the plaintiff was less than 18 years of age must be commenced within [3] *5* years after the plaintiff:

(a) Reaches 18 years of age; or

(b) Discovers or reasonably should have discovered that his injury was caused by the sexual abuse,

whichever occurs later.

2. As used in this section, "sexual abuse" has the meaning ascribed to it in NRS 432B.100.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spitler moved that Assembly Bill No. 207 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Spitler.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 374.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Ernaut, Collins, Hettrick, Haller, Carpenter, Sader, Price and Scherer.

Assemblymen Bache, Toomin and Giunchigliani moved the previous question.

Motion lost.

The question being on the passage of Assembly Bill No. 374.

Remarks by Assemblymen Hettrick, Anderson and Augustine.

Assemblymen Toomin, Bache and Giunchigliani moved the previous question.

Assemblymen Price, Carpenter and Regan requested a roll call on Assemblyman Toomin's motion.

Roll call on Assemblyman Toomin's motion:

YEAS—30.

NAYS—Bonaventura, Carpenter, Chowning, Collins, de Braga, Evans, Haller, Price, Regan, Schneider, Spitler, Wendell Williams—12.

The motion having received a majority, Mr. Speaker declared it carried.

The question being on the passage of Assembly Bill No. 374.

Assemblyman Price rose to a point of order regarding his right as prime sponsor of the bill to close the debate.

Mr. Speaker ruled the point out of order.

Roll call on Assembly Bill No. 374:

YEAS—28.

NAYS—Augustine, Carpenter, Ernaut, Gibbons, Gregory, Heller, Hettrick, Humke, Lambert, McGaughey, Marvel, Scherer, Tiffany—13.

Not voting—Mr. Speaker.

Assembly Bill No. 374 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 384.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 384:

YEAS—42.

NAYS—None.

Assembly Bill No. 384 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 529.

Bill read third time.

Remarks by Assemblyman Kenny.

Roll call on Assembly Bill No. 529:

YEAS—41.

NAYS—None.

Not voting—Sader.

Assembly Bill No. 529 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 249.

Bill read third time.

Remarks by Assemblyman Augustine.

Roll call on Senate Bill No. 249:

YEAS—41.

NAYS—None.

Not voting—Carpenter.

Senate Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 115.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 115:

YEAS—42.

NAYS—None.

Assembly Bill No. 115 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that Assembly Bill No. 176 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Carpenter.

Motion carried.

Assemblyman Sader moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:45 a.m.

ASSEMBLY IN SESSION

At 11:58 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that the vote whereby Amendment No. 518 to Senate Bill No. 291 was adopted be rescinded.

Motion carried.

Assemblyman Sader moved that Senate Bill No. 291 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 395.

Bill read third time.

Remarks by Assemblymen Price and Haller.

Roll call on Assembly Bill No. 395:

YEAS—25.

NAYS—Anderson, Augustine, Carpenter, Ernaut, Evans, Freeman, Gibbons, Gregory, Heller, Hettrick, Humke, Lambert, Neighbors, Porter, Scherer, Spitler, Tiffany—17.

Assembly Bill No. 395 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 523.

Bill read third time.

Remarks by Assemblymen Humke, Anderson and Haller.

Roll call on Assembly Bill No. 523:

YEAS—42.

NAYS—None.

Assembly Bill No. 523 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 117.

The following Senate amendment was read:

Amendment No. 450.

Amend sec. 2, page 2, line 7, after "inclusive," by inserting: "[and] section 1 of [this act,] *Assembly Bill No. 126 of this session*".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 1993.".

Assemblyman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 117.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 54; Senate Bills Nos. 267, 286.

REMARKS FROM THE FLOOR

Assemblyman Porter requested that Assemblyman Myrna Williams' remarks be entered in the Journal.

Thank you, Mr. Speaker. I know we are all anxious to get out of here, but some of my close friends will be gone tomorrow. I had planned on doing this tomorrow. I do not often have guests at my desk. I will not have one tomorrow, but I wish I could.

Tomorrow is my father, William Torme's, birthday. He will be 95 years old. I would like everyone to know that last year Los Angeles renewed his driver's license for another four years. He is still driving on the roads and freeways in Los Angeles. No matter what anyone says, if he is not a good driver, it is because he was never a good driver. So, I would like everyone to have a good thought for my Dad.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Denton Gehr and the following students from Reed High School, Sparks: Alejandro Arriaga, Alan Beede, Stephen Bemus, Michele Boyer, Brandie Brioady, Lisa Cox, William Davison, Jr., Jennifer Detrick, Benjamin Foxworthy, Wendi Gomez, Misti Hale, Sarah Hendrickson, Stacy Kennedy, Jennifer Kihorny, Mats Kortfalt, Scott Leighton, Craig Leonard, Beatrice Meneses, Tiffany Murray, Maria Reyes, Thomas Rores, Geoffrey Ross, James Sullivan, Jason Swain, Mary Tolotti, Bao Tran, Brandon Walker, Jennifer Bennett, Tamara Dapkewicz, Nancy Johnson, Charles Petrik, Dani Powell, Rick Stephens, Brell McGraw, Kathleen Garrick, Sheila LeMaster, Kim McCormick, Mike Gallego, Chris Money, James Neill, Dan Rigby, Jessie Thomas and Robert Brookshire.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Amy Robertson.

On request of Assemblyman Augustine, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Dortha Schneider and Trudy Hushbeck.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Lorraine Baldwinson and Jean Bacon.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Shirley Gregory and Anne Williams.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Pat Jackson.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Paula Schlegelmilch and Lorraine Jackson.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Penny Wyatt and Mr. Don Robinson and the following students from Nancy Gomes School, Reno: Wendy Arnall, Tonia Biank, Billy Campbell, Tappan Commesser, Becky Couper, Raeanne Dewey, Justin Fisher, Tim Gass, Chris Growcock, Ricky Guy, Jared Harkema, Beth Howard, John Jackson, Sandi Kerr, Jeremy Larsen, Erin Lassen, Olivia Olson, Mindy Phillipini, Michael Robison, Mat Spinetta, Truci Stallard, Eric Tinajero, Melissa Wilcox, Viki Ahaus, Carolyn Carsey, Crystal Clowdus, Cody Dobson, Jennifer Feltner, Travis Hill, Mark Haagland, Darcyll House, Adam Huston, Stacy McCarley, Stephanie McCormac, Jasara McLaren, Rachel McVicker, Andy Mills, Shawna Mott, Michael Peccia, Becky Ross, Dustin Roth, Shanel Rothenberger, Michelle Seyler, Stephen Smith, Katie Stewart, Matt Thomas and Joe Smith.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Laura Evans and Mr. James Sohns.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jaime Shook.

Assemblyman Porter moved that the Assembly adjourn until Friday, May 14, 1993 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:11 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTEENTH DAY

CARSON CITY (Friday), May 14, 1993

Assembly called to order at 10:42 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present except Assemblymen Dini, Freeman, Humke, McGaughey, Marvel, Sader and Tiffany, who were excused.

Prayer by the Chaplain, The Reverend Jeff Watkins.

Heavenly Father, we thank You for another week of life, for the ability and strength to serve and for the hope of a better tomorrow. Help us to finish out this week in a way that will reflect our first determined commitment to serve. In Christ we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 333, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 13, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 26, 41, 105, 249.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 12, 56.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 206, 256, 340, 342.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 354.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Joint Resolution No. 18.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 123.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Gibbons moved that Senate Bill No. 291 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Gibbons.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Carpenter:

Assembly Bill No. 632—An Act relating to mobile home parks; authorizing a credit against the annual fee charged to owners of mobile home parks for assistance to low-income owners of mobile homes; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 206.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 256.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 340.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 342.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 354.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen de Braga, Dini, Carpenter, Neighbors, Segerblom, Toomin, Hettrick, Giunchigliani, Lambert and Smith:

Assembly Bill No. 633—An Act relating to water; requiring the establishment of appropriate plants as ground cover before the state engineer may approve any change in the transfer of the manner or place of use of water used for irrigation; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 423.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 149.

Bill read second time and ordered to third reading.

Senate Bill No. 238.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 512.

Amend section 1, page 1, line 2, by deleting "$7,000" and inserting "$4,333".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 291.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 521.

Amend the bill as a whole by renumbering sections 5 and 6 as sections 6 and 7 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 4. Section 1 of Assembly Bill No. 68 of this session is hereby amended to read as follows:

Section 1. NRS 11.215 is hereby amended to read as follows:

11.215 1. Except as otherwise provided in section 1 of [this act,] *Senate Bill No. 291 of this session,* an action to recover damages for an injury to a person arising from the sexual abuse of the plaintiff which occurred when the plaintiff was less than 18 years of age must be commenced within [3] *10* years after the plaintiff:

(a) Reaches 18 years of age; or

(b) Discovers or reasonably should have discovered that his injury was caused by the sexual abuse,

whichever occurs later.

2. As used in this section, "sexual abuse" has the meaning ascribed to it in NRS 432B.100.".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 37, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

JAN EVANS, *Chairman*

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:58 a.m.

ASSEMBLY IN SESSION

At 10:59 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 37.

Resolution read.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 417.

Amend the resolution, page 1, by deleting lines 11 through 14 and inserting: "istrator to develop a program that would require providers of health care to encourage recipients of Medicaid, who are of childbearing age, to participate in a program which offers education on family planning; and be it further".

Amend the title of the resolution to read as follows:

"ASSEMBLY CONCURRENT RESOLUTION—Urging the State Welfare Administrator to develop a program to encourage certain recipients of Medicaid to participate in an educational program on family planning.".

Amend the summary of the resolution to read as follows:

"Summary—Urges State Welfare Administrator to develop program to encourage certain recipients of Medicaid to participate in educational program on family planning. (BDR R-1430)".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Resolution ordered reprinted and engrossed.

Assemblyman Porter moved that Assembly Bill No. 576; Senate Bills Nos. 18, 21, 104, 193, 194, 264, 266, 276 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing a musical rendition by Marcy Troescher.

Assembly in recess at 11:15 a.m.

ASSEMBLY IN SESSION

At 11:19 a.m.
Madam Speaker pro Tempore presiding.
Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 117; Assembly Concurrent Resolution No. 35; Senate Joint Resolution No. 18.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Monte Stewart.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Diane Best, F. Klippenstein, Kaky Maxfield, Shirley Yates, Caroline Felesina, Kim Churchfield, Mr. Walker, Mrs. Walker, and the following students from Anderson Elementary School: Raul Arce, Amanda Bailey, Whitney Ballard, Joey Bullard, Cindy Chavez, Wesley Chen, Galeson Eagle-Star, Erika Garcia, Amber Jaques, Kelly Leeper, Cristy Lopez, Jorge Lopez, Maria Madera, Tara Marin, Aimee Martin, Carlos Martinez, Maria O'Brien, Jose Ramirez, Carlos Vicente, Eddie Waddington, Adam Walker, Lulu Yu, Daniel White, Raphael Alves, Chris Champagne, Mike Churchfield, Eric Diamond, Nicole Felesina, Felicia Leivias, Ariani Mena, Daphne Mooris, Tony Orosco, Hayley Sawyer, Dionne Thomas, Trina Walker, Kirby Zimmer, Chris Parrot, Jess Fett, Joshua Villalobos, Hailey Snyder, Tony Stout, James Provencio, Jeffrey Parker, Sarah Barker, Jessica Alejos, Shandell Allen, Tiffany Bell, April Berna, Michael Eocanegra, Derrick Burr, Nancy Chavez, Sydney Flint, John Lawton, Ivan Lizarraga, Christopher Marshall, Francisco Mosqueira, Jacob Pemberton, Amanda Purkeypile, Olga Skumyatsky, Ian Stephens, Jedidiah Taylor, Beatriz Tristan and Jessica Wood.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Richard Segerblom, Master Carl Segerblom and Ms. Eva Segerblom.

On request of Assemblyman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Marcy Troescher and Joyce Barrett.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Phillip Grimes, Mss. Linda Grimes and Halley Grimes.

Assemblyman Porter moved that the Assembly adjourn until Monday, May 17, 1993 at 10:30 a.m.

Motion carried.

Assembly adjourned at 11:20 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), May 17, 1993

Assembly called to order at 10:50 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ruth Hanusa.

Lord God, You have called Your servants to ventures of which we cannot see the ending by paths as yet untrodden, through perils unknown. Give us faith to go out with good courage, not knowing where we go, but only that Your hand is leading us and Your love supporting us. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 31, 314, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 535, 555, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 66, 462; Senate Bill No. 321, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 50, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Judiciary.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 109, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 14, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 306.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 37.

Assemblyman Freeman moved the adoption of the resolution.

Remarks by Assemblyman Freeman.

Resolution adopted, as amended.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 634—An Act relating to venture capital; delaying the prospective expiration of certain provisions concerning the establishment of a program for investment in new enterprises; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 175.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 333.

Bill read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Evans moved that Assembly Bill No. 504 be taken from the Second Reading File and re-referred to the Committee on Health and Human Services.

Remarks by Assemblyman Evans.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 423.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 423:

YEAS—42.

NAYS—None.

Assembly Bill No. 423 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 576.

Bill read third time.

Remarks by Assemblyman Haller.

Roll call on Assembly Bill No. 576:

YEAS—41.

NAYS—Mr. Speaker.

Assembly Bill No. 576 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 18.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Senate Bill No. 18:

YEAS—42.

NAYS—None.

Senate Bill No. 18 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 21.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Senate Bill No. 21:

YEAS—42.

NAYS—None.

Senate Bill No. 21 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wendell Williams moved that Senate Bill No. 149 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Wendell Williams.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 104.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Senate Bill No. 104:

YEAS—41.

NAYS—Toomin.

Senate Bill No. 104 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 193.

Bill read third time.

Remarks by Assemblymen Spitler and Sader.

Roll call on Senate Bill No. 193:

YEAS—41.

NAYS—Porter.

Senate Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 194.

Bill read third time.

Remarks by Assemblyman Chowning.

Roll call on Senate Bill No. 194:

YEAS—42.

NAYS—None.

Senate Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 242.

Bill read third time.

Remarks by Assemblymen Petrak and Scherer.

Conflict of interest declared by Assemblyman Scherer.

Roll call on Senate Bill No. 242:

YEAS—40.

NAYS—None.

Not voting—Scherer, Mr. Speaker—2.

Senate Bill No. 242 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 264.

Bill read third time.

Remarks by Assemblyman Heller.

Roll call on Senate Bill No. 264:

YEAS—42.

NAYS—None.

Senate Bill No. 264 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 266.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Senate Bill No. 266:

YEAS—42.

NAYS—None.

Senate Bill No. 266 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 276.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Senate Bill No. 276:

YEAS—42.

NAYS—None.

Senate Bill No. 276 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 300, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 574, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:20 a.m.

ASSEMBLY IN SESSION

At 11:55 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Chowning moved that Assembly Bill No. 379 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Chowning.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 635—An Act relating to solicitation by telephone; requiring sellers to keep certain records and to submit certain information to the consumer affairs division of the department of commerce; authorizing

the commissioner of consumer affairs to grant waivers from the requirement of licensure; establishing standards for granting waivers and exemptions; revising the requirements concerning the security to be filed by certain applicants for licensure; adding various grounds for the commissioner to refuse to issue a license or to suspend or revoke a license; making various changes relating to the powers of the division and the commissioner; providing penalties; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 636—An Act relating to unemployment compensation; expanding the category of employers allowed to appeal the charging of benefits to their accounts; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 637—An Act relating to evidence; allowing a court to admit evidence and expert testimony relating to domestic abuse syndrome under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 638—An Act relating to sentencing; authorizing the supreme court of Nevada to review a sentence claimed to be excessive because of an abuse of discretion by a district court; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 639—An Act relating to taxes; clarifying that the sale of water is not taxable; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 640—An Act relating to property taxes; limiting the governmental entities to which the Nature Conservancy may transfer prop-

erty and retain its exemption from taxation; prohibiting the cancellation of liens for deferred taxes on certain property acquired by the Nature Conservancy; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Giunchigliani, Kenny, Segerblom, Schneider, Toomin, Chowning, Gregory, Bennett, Augustine, Bache, Wendell Williams, Bonaventura, Porter, Petrak, Regan, Smith, Garner, Spitler, Collins, Price, de Braga, Heller, Hettrick, Myrna Williams, Carpenter, Neighbors, McGaughey, Evans, Anderson, Haller, Ernaut, Humke, Marvel, Freeman, Perkins and Dini:

Assembly Bill No. 641—An Act relating to local government; requiring and specifying the manner of the consolidation of governmental services in certain counties; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 379.

Bill read third time.

The following amendment was proposed by Assemblyman Chowning:

Amendment No. 488.

Amend section 1, page 2, by deleting lines 24 through 28 and inserting:

"*6. For the purposes of NRS 483.473, a violation of subsection 2 is not a moving traffic violation.*".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Freeman moved that the Assembly do not recede from its action on Senate Bill No. 123, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Freeman.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Gibbons, de Braga and Bache as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 123.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Evans moved that the Assembly do not recede from its action on Senate Bill No. 72, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Evans.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Toomin, Petrak and Heller as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 72.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 26, 41, 105, 249; Assembly Concurrent Resolutions Nos. 12, 56; Senate Bill No. 249.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Judith Strasser, Pat Mathews, Vicki Benke, Mr. George Hastings and the following students from Billinghurst Middle School, Reno: Nicole Alberti, Robert Armstrong, Stacy Baugh, Melissa Cannone, Ronald Cansler, Travis Casados, Shelley Clayton, Dylan Conner, Kristen Ender, Joseph Ferguson, Danell Fraley, Michelle Friesen, Sarah Gardner, Charlotte Grimes, Danielle Hanger, Rogelio Hernandez, Shuang-Ling Kao, Elizabeth Kincaid, Christopher Oleary, Holly Pagnossin, Erik Rivera, Eric Scott, Chad Tranberg, Moa Tupou, Nicolette Andrini, Lacy Baker, Melissa Bell, Misty Doster, Rachel Duckett, Leonard Edsall, Cedric Ferguson, Sharon Fisher, Kelli Hunter, Leisha Kellerstrass, Christopher Lyson, Joseph Minelli, Amber Moran, Giancarlo Moreno, Whitny Mulligan, Shannon Phillips, Ronnarong Prachunbarn, David Ray, Kreshimir Rogina, Michael Smith, Angelia Spellenberg, Jeremy Spyrow, Jenna Vallieres, Alicia Adams, Kimberly Ahearn, Erik Anderson, Kimberly Asher, Nicholas Crow, Dana Danielson, Christy Deleo, Rodney Denman-Able, Alexander Farrington, David Gomes, Lonnie Halterman, Amy Holt, Mikala Kissler, Carl Lasater, Michael Leach, Brian Lish, Julie McGrath, Kyle Melendez, Clinton Nelson, Scott Protain, Brandon Redington, Nicole Shultz, Joseph Venezio, Rod Villacorta and Janelle Wright.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Michael Cluka.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Paul Reed.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, May 18, 1993 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:07 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-FIRST DAY

CARSON CITY (Tuesday), May 18, 1993

Assembly called to order at 10:49 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, The Reverend Stan Pesis.

We have heard in the past and last week we learned once again in these halls that pictures are worth at least a thousand words. Lord, picture for us the needs of Your people that in the decisions we make for Your people, we may address that which is truly needful. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.
Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:52 a.m.

ASSEMBLY IN SESSION

At 10:54 a.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Senate Bill No. 210, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 17, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 433.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 3, 71, 230, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 24 of the 66th Session.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 12, 87, 385, 392.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 10, 29, 78, 155, 163, 222, 280, 425.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 293.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 58—Welcoming Senad Hrustanovic to Nevada and commending him on his efforts to promote trade between Nevada and Bosnia-Herzegovina.

WHEREAS, The members of the Nevada Legislature wish to extend their warmest greetings to Mr. Senad Hrustanovic on his return visit to the State of Nevada from May 17 through May 20, 1993; and

WHEREAS, Senad Hrustanovic initially visited this state in 1990 as a guest of the International Visitors Council of Northern Nevada and the International Visitors Program of the United States Department of State while serving as Deputy Secretary of Finance and Department Manager of the Republican Secretariat of Finance for the Republic of Bosnia-Herzegovina; and

WHEREAS, The members of this legislative body are saddened by the tragic loss of life now occurring in Mr. Hrustanovic's homeland; and

WHEREAS, The people of the State of Nevada strongly support efforts to bring peace to this region in hopes that once again Nevada and the former states of the Yugoslav federation can pursue mutually beneficial economic development projects; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 67th session of the Nevada Legislature welcome Mr. Senad Hrustanovic to the State of Nevada and commend him on his efforts to promote trade between Nevada and the region that includes his homeland, Bosnia-Herzegovina; and be it further

RESOLVED, That Senad Hrustanovic extend to the people of his homeland the fervent desire of all Nevadans that peace will come to his region so that these two areas of the world can work together on issues of trade and economic development; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Senad Hrustanovic.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Assemblyman Porter requested that Assemblyman Myrna Williams' remarks be entered in the Journal.

Thank you, Mr. Speaker. It is always important for us to recognize and honor those people who are looking to make a difference in the world and bring us all closer together as a global unit. Mr. Hrustanovic is one of those people, who in his former capacity as Deputy Secretary of Finance for Bosnia-Herzegovina, has worked with not just our country, but Mexico, third-world countries and European countries.

We are all saddened by what is occurring in his country. He is here as a consultant trying to bring together some forces to better the lives of people in his country and enhance our lives as well. I do move passage of Assembly Concurrent Resolution No. 58.

Resolution adopted unanimously.

Assemblyman Myrna Williams moved that all rules be suspended and that Assembly Concurrent Resolution No. 58 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11 a.m.

ASSEMBLY IN SESSION

At 11:01 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Neighbors, Hettrick, Carpenter and Garner:

Assembly Bill No. 642—An Act relating to unincorporated towns; reducing the number of appraisals that are required before the sale of the real or personal property of any unincorporated town; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Giunchigliani, Price, Evans, Kenny, Ernaut, Schneider, Neighbors, Heller, Collins, de Braga, Smith, Petrak, Segerblom, Haller, Humke, Bache, Anderson, Chowning, McGaughey, Lambert, Regan, Gregory, Hettrick, Tiffany, Spitler, Porter, Arberry, Marvel, Wendell Williams, Freeman, Garner, Perkins, Bennett, Carpenter, Myrna Williams, Toomin, Augustine and Dini:

Assembly Bill No. 643—An Act relating to education; requiring the superintendent of public instruction to establish pilot programs to develop internships which prepare and train pupils to serve as apprentices and allow those pupils to earn academic credit; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 10.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 12.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 29.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 78.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 87.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 155.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 163.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 222.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 280.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 385.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 392.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 425.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Bill No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Elections and Procedures.

MYRNA WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 175 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 300 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 333 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

By the Committee on Transportation:

Assembly Concurrent Resolution No. 59—Urging the Public Service Commission of Nevada to lead participation in the pilot program for the Alliance for Uniform HazMat Transportation Procedures.

Assemblyman Spitler moved that the resolution be referred to the Committee on Transportation.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 644—An Act relating to counties; expanding the authority of counties to establish parking facilities and spaces; authorizing a board of county commissioners to enter into agreements to provide exclusive parking in designated parking spaces in such facilities; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 645—An Act relating to motor vehicles; making various changes in the regulation of dealers and other enterprises involved with motor vehicles; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 31.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 412.

Amend section 1, page 2, by deleting lines 5 through 16 and inserting: "method used by the recorder to preserve his records. *The county recorder may require that the typed, printed or written content of any document which is submitted for recording be legible and no smaller than 8-point type.* Where any rights might be adversely affected because of delay in recording caused by this requirement, the county recorder shall accept the instrument . [conditionally subject to submission of a suitable copy at a later date. The provisions of this subsection do not apply where it is impossible or impracticable to submit a more suitable copy.] *If a more suitable copy is available, it must be submitted within 10 days after the recording.*

4. The county recorder may, on and after July 1, 1994, require that:".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 50.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 526.

Amend section 1, page 1, line 5, by deleting "county program" and inserting: "county *or municipal* program".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 66.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 527.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sec. 3 as section 1.

Amend the bill as a whole by deleting sec. 4.

Amend the title of the bill to read as follows:

"An Act relating to neighborhood justice centers; authorizing a board of county commissioners to authorize a center to charge a fee for certain services; and providing other matters properly relating thereto."

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to neighborhood justice centers. (BDR 20-217)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 109.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 424.

Amend sec. 2, page 1, by deleting lines 3 and 4, and inserting:

"Sec. 2. (Deleted by amendment.)".

Amend sec. 3, page 1, line 9, by deleting: "*emergencies involving hazardous materials;*" and inserting "*emergencies;*".

Amend sec. 3, page 1, line 11, by deleting: "*involving hazardous materials*".

Amend sec. 3, page 1, line 12, by deleting: "*involving hazardous materials*".

Amend sec. 3, page 1, line 16, by deleting: "*emergency involving hazardous materials;*" and inserting "*emergency;*".

Amend sec. 3, page 1, lines 18 and 19, by deleting: "*emergencies involving hazardous materials;*" and inserting "*emergencies;*".

Amend sec. 3, page 1, line 20, after "*available*" by inserting ", *upon request,*".

Amend sec. 3, page 1, after line 21, by inserting:

"*3. The director of the division shall adopt regulations which identify the types and levels of emergencies which must be reported to the center. The director shall only require the reporting of an emergency which is significant as a major hazard to public health or to the environment.*".

Amend sec. 4, page 2, lines 1 and 2, by deleting: "*involving hazardous materials*".

Amend sec. 4, page 2, line 3, after "*911*" by inserting "*or sheriff's*".

Amend sec. 4, page 2, line 4, after "*Notify the*" by inserting: "*local emergency management officer and the*".

Amend sec. 5, page 2, line 6, by deleting: "*involving hazardous materials*".

Amend sec. 6, page 2, line 10, by deleting: "*involving hazardous materials*".

Amend sec. 6, page 2, by deleting lines 17 and 18 and inserting: "*distributed, upon request, to all agencies in this state that respond to emergencies.*".

Amend sec. 7, page 2, by deleting lines 19 through 22 and inserting:

"Sec. 7. (Deleted by amendment.)".

Amend sec. 8, page 2, line 44, by deleting: "*involving hazardous materials*".

Amend the title of the bill, fourth and fifth lines, by deleting: "involving hazardous materials".

Amend the summary of the bill, second line, by deleting: "involving hazardous materials".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 314.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 451.

Amend section 1, page 1, line 18, by deleting the bracket.

Amend section 1, page 1, line 19, by deleting "21" and inserting "[21] *25*".

Amend section 1, page 1, line 20, by deleting the bracket.

Amend the bill as a whole by deleting sec. 2 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 533.365 is hereby amended to read as follows:

533.365 1. Any person interested may, within 30 days from the date of last publication of the notice of application, file with the state engineer a written protest against the granting of the application, setting forth with reasonable certainty the grounds of such protest, which shall be verified by the affidavit of the protestant, his agent or attorney.

2. On receipt of a protest, the state engineer shall advise the applicant whose application has been protested of the fact that the protest has been filed with him, which advice shall be sent by [registered or] certified mail.

3. The state engineer shall [duly] consider the protest, and may, in his discretion, hold hearings and require the filing of such evidence as he may deem necessary to a full understanding of the rights involved . [; but no hearing thereon shall be had except after due notice by registered or] *The state engineer shall give notice of the hearing by* certified mail to both the applicant and the protestant. The notice [shall give] *must state* the time and place at which the hearing is to be held and [shall] *must* be mailed at least 15 days [prior to] *before* the date set for the hearing.

4. The [hearings shall be conducted under such rules and regulations as the state engineer may make, which he is hereby empowered to make, for the proper and orderly exercise of the powers conferred herein; but technical rules of evidence shall not be deemed to apply.] *state engineer shall adopt rules of practice regarding the conduct of such hearings. The rules of practice must be adopted in accordance with the provisions of NRS 233B.040 to 233B.120, inclusive, and codified in the Nevada Administrative Code. The technical rules of evidence do not apply at such a hearing.*".

Amend sec. 3, page 2, line 26, by deleting the bracket.

Amend sec. 3, page 2, by deleting line 35 and inserting: "3. Except as otherwise provided in subsection 5, where there is no".

Amend sec. 3, page 2, line 42, by deleting "[4.] *3.*" and inserting:

"4. *Unless an informal disposition of the application is made, the decision of the state engineer must be in writing and include findings of fact, conclusions of law and a separate statement of the underlying facts supporting the findings of fact.*".

Amend sec. 3, page 3, by deleting line 3 and inserting: "5. The provisions of subsections 1, 2 and 3 do not apply to an".

Amend the bill as a whole by deleting sections 5 and 6 and adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

"Sec. 5. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The governor.

(b) The department of prisons.

(c) The University of Nevada System.

(d) The department of the military.

(e) The state gaming control board.

(f) The Nevada gaming commission.

(g) The state board of parole commissioners.

(h) The welfare division of the department of human resources.

(i) The state board of examiners acting pursuant to chapter 217 of NRS.

(j) [The] *Except as otherwise provided in NRS 533.365, the* office of the state engineer.

2. The department of education, the committee on benefits and the commission on professional standards in education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The Nevada state board of accountancy is not subject to the provisions of this chapter for the purpose of adopting rules of professional conduct for accountants and auditors.

4. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the employment security department;

(b) Chapters 616 and 617 of NRS for the determination of contested claims;

(c) Chapter 703 of NRS for the judicial review of decisions of the public service commission of Nevada;

(d) Chapter 91 of NRS for the judicial review of decisions of the administrator of the securities division of the office of the secretary of state; and

(e) NRS 90.800 for the use of summary orders in contested cases,

prevail over the general provisions of this chapter.

5. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the department of human resources in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

6. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including , but not limited to , quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the state board of agriculture, the state board of health, the state board of sheep commissioners or any other agency of this state in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control; or

(b) An extraordinary regulation of the state board of pharmacy adopted pursuant to NRS 453.2184.

Sec. 6. On or before September 30, 1993, and at the end of each calendar quarter thereafter through January 31, 1995, the state engineer shall submit to the director of the legislative counsel bureau for transmittal to the interim finance committee a report regarding the performance of his office, including the number of his employees, the training given to those employees, the amount of fees collected by the state engineer during the reporting period and any other information he deems appropriate to give an accurate report of the performance of his office.".

Amend the title of the bill to read as follows:

"An Act relating to water; increasing the limit on the assessment for water distribution expenses incurred by the state engineer; making various changes to the hearing process for a permit for the appropriation of public waters; increasing certain fees collected by the state engineer; requiring a quarterly report on the performance of the state engineer's office; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes regarding appropriation of public waters and increasing certain fees assessed by state engineer. (BDR 48-1721)".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Assemblyman Bennett moved that Assembly Bill No. 314 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 387.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 528.

Amend section 1, page 1, line 13, by deleting: "[office maintained in" and inserting: "office maintained [in".

Amend section 1, page 1, line 14, after the closed bracket by inserting "*at the*".

Amend sec. 2, page 2, line 5, by deleting "and [his]" and inserting "[and his] ,".

Amend sec. 2, page 2, line 6, by deleting "corporation." and inserting: "corporation [.] *, and the mailing address of the resident agent if different from the street address.*".

Amend sec. 8, page 5, line 1, by deleting "process . [," and inserting "process,".

Amend sec. 8, page 5, line 2, by deleting the closed bracket.

Amend sec. 10, page 6, by deleting line 9 and inserting: "*the full name, complete street address and, if different from the street address, mailing address of the new resident agent,* must".

Amend sec. 10, page 6, line 14, after "the" by inserting "*resigning*".

Amend sec. 10, page 6, line 22, by deleting "process . [," and inserting "process,".

Amend sec. 10, page 6, line 24, by deleting the closed bracket.

Amend sec. 13, page 7, line 14, by deleting "and agents" and inserting "[and agents]".

Amend sec. 15, page 8, line 13, by deleting "person" and inserting: "[person] *director or officer*".

Amend sec. 21, page 11, by deleting lines 28 through 32 and inserting:

"78.195 1. [Every corporation shall prescribe the classes, series and the number of shares of each class or series which the corporation is authorized to issue in the articles of incorporation.] If *a corporation desires to have* more than one class or series of stock , [is authorized,] the articles of incorporation must prescribe, or vest authority in".

Amend sec. 21, page 12, line 32, before "in" by inserting an open bracket.

Amend sec. 21, page 12, line 33, by deleting "filed." and inserting: "filed.] *before the issuance of the shares.*".

Amend sec. 24, page 13, line 26, by deleting "or" and inserting "[or]".

Amend sec. 24, page 13, line 27, after "(b)" by inserting: "*Issue such additional fraction of a share as is necessary to increase the fractional share to a full share; or*

(c)".

Amend the bill as a whole by adding a new section designated sec. 24.5, following sec. 24, to read as follows:

"Sec. 24.5. NRS 78.207 is hereby amended to read as follows:

78.207 1. [All corporations with stated capital which are organized and existing under the laws of this state whether under this chapter or prior acts, desiring to increase the number of shares of the corporation without changing the amount of stated capital, may do so by a majority vote of the directors of the corporation at any regular or called meeting of the directors, without amending the articles of incorporation, and may issue the stock of the corporation in accordance therewith after having filed a certificate setting forth the amount or denomination into which they propose to divide such shares, verified by the affidavit of the president or the secretary of the corporation in the office of the secretary of state.

2. As used in this section, the term "stated capital" means that part of the consideration received by a corporation for its issued shares of stock determined by the board of directors to be capital, which must not be less than the aggregate par value of the issued shares having a par value. If the board of directors has not determined what part of the consideration received for its issued shares of stock is capital, the stated capital of the corporation is the aggregate par value of the issued shares having a par value.] *Unless otherwise provided in the articles of incorporation, a corporation organized and existing under the laws of this state that desires to change the number of shares of a class and series, if any, of its authorized stock by increasing or decreasing the number of authorized shares of the class and series and correspondingly increasing or decreasing the number of issued and out-*

standing shares of the same class and series held by each stockholder of record at the effective date and time of the change, may, except as otherwise provided in subsection 2, do so by a resolution adopted by the board of directors, without obtaining the approval of the stockholders. The resolution may also provide for a change of the par value, if any, of the same class and series of the shares increased or decreased. After the effective date and time of the change, the corporation may issue its stock in accordance therewith.

2. A proposal to increase or decrease the number of authorized shares of any class and series, if any, that includes provisions pursuant to which money will be paid or scrip will be issued to stockholders who:

(a) In the aggregate hold 10 percent or more of the outstanding shares of the affected class and series; and

(b) Would otherwise be entitled to receive a fraction of a share in exchange for the cancellation of outstanding shares,

must be approved by the vote of stockholders holding a majority of the voting power of the affected shares, or such greater proportion as may be provided in the articles of incorporation, regardless of limitations or restrictions on the voting power thereof.

3. Any proposal to increase or decrease the number of authorized shares of any class and series, if any, that includes provisions pursuant to which money will be paid or scrip will be issued to stockholders who:

(a) Hold 1 percent or more of the then outstanding shares of the affected class and series; and

(b) Would otherwise be entitled to receive a fraction of a share in exchange for the cancellation of outstanding shares,

is subject to the provisions of NRS 78.471 to 78.502, inclusive. If the proposal is subject to those provisions, any stockholder who is obligated to accept money or scrip rather than receive a fraction of a share resulting from the action taken pursuant to this section may dissent in accordance with those provisions and obtain payment of the fair value of the fraction of a share to which the stockholder would otherwise be entitled.

4. A change pursuant to this section must not be effective until after the filing in the office of the secretary of state of a certificate, signed by the corporation's president, or a vice president, and its secretary, or an assistant secretary, and acknowledged by the president or vice president before a person authorized by the laws of this state to take acknowledgments of deeds, setting forth:

(a) The current number of authorized shares and the par value, if any, of each class and series, if any, of shares before the change;

(b) The number of authorized shares and the par value, if any, of each class and series, if any, of shares after the change;

(c) The number of shares of each affected class and series, if any, to be issued after the change in exchange for each issued share of the same class or series;

(d) The provisions, if any, for the issuance of fractional shares, or for the payment of money or the issuance of scrip to stockholders otherwise entitled to a fraction of a share and the percentage of outstanding shares affected thereby;

(e) That, if required, the approval of the affected stockholders has been obtained; and

(f) Whether the change is effective on filing the certificate or, if not, the date and time at which the change will be effective, which must not be more than 90 days after the certificate is filed.

The provisions in the articles of incorporation of the corporation regarding the authorized number and par value, if any, of the changed class and series, if any, of shares shall be deemed amended as provided in the certificate at the effective date and time of the change.

5. Unless an increase or decrease of the number of authorized shares pursuant to this section is accomplished by an action that otherwise requires an amendment to the corporation's articles or incorporation, such an amendment is not required by this section.".

Amend sec. 27, page 14, line 40, after "agents" by inserting: ", *the transfer agent or transfer clerk or the registrar*".

Amend sec. 27, page 14, line 45, after "countersigns" by inserting: "*or otherwise authenticates*".

Amend sec. 31, page 16, line 35, by deleting "*power,*" and inserting: "*power of the directors,*".

Amend sec. 31, page 16, by deleting line 36 and inserting: "board of directors . [or trustees.]".

Amend the bill as a whole by adding a new section designated sec. 31.5, following sec. 31, to read as follows:

"Sec. 31.5. NRS 78.320 is hereby amended to read as follows:

78.320 1. Unless the articles of incorporation or the bylaws provide for different proportions:

(a) Stockholders holding at least a majority of the voting power are necessary to constitute a quorum for the transaction of business; and

(b) [An act] *The vote* of stockholders who hold at least a majority of the voting power [and are] present at a meeting at which a quorum is present is the act of the stockholders.

2. Unless otherwise provided in the articles of incorporation or the bylaws, any action required or permitted to be taken at a meeting of the stockholders may be taken without a meeting if a written consent thereto is signed by stockholders holding at least a majority of the voting power, except that if a different proportion of voting power is required for such an action at a meeting, then that proportion of written consents is required.

3. In no instance where action is authorized by written consent need a meeting of stockholders be called or notice given. The written consent must be filed with the minutes of the proceedings of the stockholders.

4. Unless otherwise restricted by the articles of incorporation or bylaws, stockholders may participate in a meeting of stockholders by means of a telephone conference or similar method of communication by which all

persons participating in the meeting can hear each other. Participation in a meeting pursuant to this subsection constitutes presence in person at the meeting.".

Amend sec. 32, page 17, line 4, by deleting "the" and inserting "[the]".

Amend sec. 32, page 17, by deleting lines 5 through 7 and inserting: "corporation must be [chosen] *elected* at the annual meeting of the stockholders [, to be held on a date and at a time, or in the manner, provided for by the bylaws,] by a plurality of the votes cast at the election. *Unless otherwise provided in the bylaws, the board of directors have the authority to set the date, time and place for the annual meeting of the stockholders.* If for any reason [the] directors are".

Amend sec. 33, page 17, line 42, after "*1*" by inserting an italicized comma.

Amend sec. 40, page 22, by deleting line 7 and inserting: "or in part. The certificate [, in the opening paragraph thereof,] must:".

Amend sec. 40, page 22, line 9, by deleting "*or the*" and inserting: "*or of the*".

Amend sec. 40, page 22, line 19, before "4." by inserting an open bracket.

Amend sec. 40, page 22, by deleting line 20 and inserting: "amended certificate of incorporation.]".

Amend sec. 42, page 23, line 18, by deleting "[10] *15*" and inserting "10".

Amend sec. 42, page 23, line 22, by deleting "5" and inserting "[5] *3*".

Amend sec. 42, page 23, line 23, by deleting "[10] *15*" and inserting "10".

Amend sec. 43, pages 23 and 24, by deleting lines 32 through 47 on page 23 and lines 1 through 10 on page 24 and inserting:

"Sec. 43. NRS 78.436 is hereby amended to read as follows:

78.436 NRS 78.411 to 78.444, inclusive, do not apply to any combination of a resident domestic corporation with an interested stockholder of the resident domestic corporation who became an interested stockholder inadvertently, if he:

1. As soon as practicable, divests himself of a sufficient amount of the voting power of the corporation so that he no longer is the beneficial owner, directly or indirectly, of 10 percent or more of the outstanding voting power of the resident domestic corporation; and

2. Would not at any time within [5] *3* years preceding the date of announcement with respect to the combination have been an interested stockholder but for the inadvertent acquisition.".

Amend the bill as a whole by adding a new section designated sec. 43.5, following sec. 43, to read as follows:

"Sec. 43.5. NRS 78.438 is hereby amended to read as follows:

78.438 1. Except as otherwise provided in NRS 78.433 to 78.437, inclusive, a resident domestic corporation may not engage in any combination with any interested stockholder of the resident domestic corporation for [5] *3* years after the interested stockholder's date of acquiring shares unless

the combination or the purchase of shares made by the interested stockholder on the interested stockholder's date of acquiring shares is approved by the board of directors of the resident domestic corporation before that date.

2. If a proposal in good faith regarding a combination is made in writing to the board of directors of the resident domestic corporation, the board of directors shall respond, in writing, within 30 days or such shorter period, if any, as may be required by the Securities Exchange Act, setting forth its reasons for its decision regarding the proposal.

3. If a proposal in good faith to purchase shares is made in writing to the board of directors of the resident domestic corporation, the board of directors, unless it responds affirmatively in writing within 30 days or such shorter period, if any, as may be required by the Securities Exchange Act, is considered to have disapproved the purchase.".

Amend sec. 44, page 24, by deleting lines 12 through 41 and inserting:

"78.439 [Except as otherwise provided in NRS 78.433 to 78.438, inclusive, a] *A* resident domestic corporation may not engage [at any time] in any combination with an interested stockholder of the resident domestic corporation *after the expiration of 3 years after his date of acquiring shares* other than a combination meeting all of the requirements of the articles of incorporation of the resident domestic corporation and *either* the requirements specified in subsection 1 or 2 or all of the requirements specified in NRS 78.441 to 78.444, inclusive:

1. A combination approved by the board of directors of the resident domestic corporation before the interested stockholder's date of acquiring shares, or as to which the purchase of shares made by the interested stockholder on that date had been approved by the board of directors of the resident domestic corporation before that date.

2. A combination approved by the affirmative vote of the holders of stock representing a majority of the outstanding voting power not beneficially owned by the interested stockholder proposing the combination, or any affiliate or associate of the interested stockholder proposing the combination, at a meeting called for that purpose no earlier than [5] *3* years after the interested stockholder's date of acquiring shares.".

Amend the bill as a whole by adding new sections designated sections 44.3 and 44.7, following sec. 44, to read as follows:

"Sec. 44.3. NRS 78.441 is hereby amended to read as follows:

78.441 A combination *engaged in with an interested stockholder of the resident domestic corporation more than 3 years after the interested stockholder's date of acquiring shares* may be permissible if the aggregate amount of the cash and the market value, as of the date of consummation, of consideration other than cash to be received per share by all of the holders of outstanding common shares of the resident domestic corporation not beneficially owned by the interested stockholder immediately before that date is at least equal to the higher of the following:

1. The highest price per share paid by the interested stockholder, at a time when he was the beneficial owner, directly or indirectly, of 5 percent or more of the outstanding voting shares of the resident domestic corporation,

for any common shares of the same class or series acquired by him within [5] *3* years immediately before the date of announcement with respect to the combination or within [5] *3* years immediately before, or in, the transaction in which he became an interested stockholder, whichever is higher, plus, in either case, interest compounded annually from the earliest date on which the highest price per share was paid through the date of consummation at the rate for one-year obligations of the United States Treasury from time to time in effect, less the aggregate amount of any dividends paid in cash and the market value of any dividends paid other than in cash, per common share since the earliest date, but no more may be subtracted than the amount of the interest.

2. The market value per common share on the date of announcement with respect to the combination or on the interested stockholder's date of acquiring shares, whichever is higher, plus interest compounded annually from that date through the date of consummation at the rate for one-year obligations of the United States Treasury from time to time in effect, less the aggregate amount of any dividends paid in cash and the market value of any dividends paid other than in cash, per common share since that date, but no more may be subtracted than the amount of the interest.

Sec. 44.7. NRS 78.442 is hereby amended to read as follows:

78.442 A combination *engaged in with an interested stockholder of the resident domestic corporations more than 3 years after the interested stockholder's date of acquiring shares* may be permissible if the aggregate amount of the cash and the market value, as of the date of consummation, of consideration other than cash to be received per share by all of the holders of outstanding shares of any class or series of shares, other than common shares, of the resident domestic corporation not beneficially owned by the interested stockholder immediately before that date is at least equal to the highest of the following, whether or not the interested stockholder has previously acquired any shares of the class or series of shares:

1. The highest price per share paid by the interested stockholder, at a time when he was the beneficial owner, directly or indirectly, of 5 percent or more of the outstanding voting shares of the resident domestic corporation, for any shares of that class or series of shares acquired by him within [5] *3* years immediately before the date of announcement with respect to the combination or within [5] *3* years immediately before, or in, the transaction in which he became an interested stockholder, whichever is higher, plus, in either case, interest compounded annually from the earliest date on which the highest price per share was paid through the date of consummation at the rate for one-year obligations of the United States Treasury from time to time in effect, less the aggregate amount of any dividends paid in cash and the market value of any dividends paid other than in cash, per share of the class or series of shares since the earliest date, but no more may be subtracted than the amount of the interest.

2. The highest preferential amount per share to which the holders of shares of the class or series of shares are entitled in the event of any voluntary liquidation, dissolution or winding up of the resident domestic

corporation, plus the aggregate amount of any dividends declared or due to which the holders are entitled before payment of the dividends on some other class or series of shares, unless the aggregate amount of the dividends is included in the preferential amount.

3. The market value per share of the class or series of shares on the date of announcement with respect to the combination or on the interested stockholder's date of acquiring shares, whichever is higher, plus interest compounded annually from that date through the date of consummation at the rate for one-year obligations of the United States Treasury from time to time in effect, less the aggregate amount of any dividends paid in cash and the market value of any dividends paid other than in cash, per share of the class or series of shares since that date, but no more may be subtracted than the amount of the interest.''.

Amend the bill as a whole by adding a new section designated sec. 46.5, following sec. 46, to read as follows:

''Sec. 46.5. NRS 78.482 is hereby amended to read as follows:

78.482 There is no right of dissent with respect to a plan of merger or exchange in favor of holders of shares of any class or series which, at the record date fixed to determine the stockholders entitled to receive notice of and to vote at the meeting at which the plan of merger or exchange is to be acted on, were either listed on a national securities exchange , *designated as a national market system security on an interdealer quotation system by the National Association of Securities Dealers, Inc.*, or held by at least 2,000 stockholders of record, unless *:* [in either case:]

1. The articles of incorporation of the corporation issuing the shares provide otherwise; or

2. The holders of the class or series are required under the plan of merger or exchange to accept for such shares anything except:

(a) Cash, shares or shares and cash in lieu of fractional shares of:

(1) The surviving or acquiring corporation; or

(2) Any other corporation which, at the effective date of the plan of merger or exchange, were either listed on a national securities exchange , *designated as a national market system security on an interdealer quotation system by the National Association of Securities Dealers, Inc.*, or held of record by at least 2,000 stockholders of record; or

(b) A combination of cash and shares of the kind described in subparagraphs (1) and (2) of paragraph (a).''.

Amend sec. 50, page 27, line 2, by deleting: ''*payment of capital*'' and inserting: ''*issuance of stock*''.

Amend sec. 50, page 27, by deleting lines 9 through 13 and inserting: ''copy of the resolution, together with] *If the corporation has issued no stock, only the directors need to approve the dissolution. If the corporation has issued stock, the directors must recommend the dissolution to the stockholders. The corporation shall notify each stockholder entitled to vote on dissolution and the stockholders entitled to vote must approve the dissolution.*''.

Amend sec. 50, page 27, by deleting line 17 and inserting: "*directors, or by the directors*".

Amend sec. 53, page 28, by deleting line 46 and inserting: "*filing corporation, his street address for the service of process, and his mailing address if different from his street address.*".

Amend the bill as a whole by adding new sections designated sections 55.2, 55.4, 55.6 and 55.8, following sec. 55, to read as follows:

"Sec. 55.2. NRS 78.760 is hereby amended to read as follows:

78.760 1. The fee for filing articles of incorporation is prescribed in the following schedule:

If the amount represented by the total number of shares provided for in the articles or agreement is:

$25,000 or less	$125
Over $25,000 and not over $75,000	175
Over $75,000 and not over $200,000	225
Over $200,000 and not over $500,000	325
Over $500,000 and not over $1,000,000	425
Over $1,000,000:	
For the first $1,000,000	425
For each additional $500,000 or fraction thereof	225

2. The maximum fee which may be charged under this section is $25,000 for:

(a) The original filing of articles of incorporation.

(b) A subsequent filing of any instrument which authorizes an increase in stock.

3. For the purposes of computing the filing fees according to the schedule in subsection 1, the amount represented by the total number of shares provided for in the articles of incorporation is:

(a) The aggregate par value of the shares, if only shares with a par value are therein provided for;

(b) The product of the number of shares multiplied by $1, regardless of any lesser amount prescribed as the value or consideration for which shares may be issued and disposed of, if only shares without par value are therein provided for; or

(c) The aggregate par value of the shares with a par value plus the product of the number of shares without par value multiplied by $1, regardless of any lesser amount prescribed as the value or consideration for which the shares without par value may be issued and disposed of, if shares with and without par value are therein provided for.

The [value of a corporate share must not be] *secretary of state shall calculate filing fees pursuant to this section with respect to shares with a par value of* less than one-tenth of a cent [.] *as if the par value were one-tenth of a cent.*

Sec. 55.4. NRS 78.765 is hereby amended to read as follows:

78.765 1. The fee for filing a *certificate changing the number of authorized shares pursuant to NRS 78.207 or a* certificate of amendment to articles of incorporation [in order to increase] *that increases* the corporation's authorized stock is the difference between the fee computed at the

rates specified in NRS 78.760 upon the total authorized stock of the corporation, including the proposed increase, and the fee computed at the rates specified in NRS 78.760 upon the total authorized capital, excluding the proposed increase.

[2.] In no case may the amount be less than $75.

2. The fee for filing a certificate pursuant to NRS 78.195 is $75.

Sec. 55.6. NRS 78.767 is hereby amended to read as follows:

78.767 *1.* The fee for filing *a certificate of* restated articles of incorporation *that does not increase the corporation's authorized stock* is $100.

2. The fee for filing a certificate of restated articles of incorporation that increases the corporation's authorized stock is the difference between the fee computed pursuant to NRS 78.760 based upon the total authorized stock of the corporation, including the proposed increase, and the fee computed pursuant to NRS 78.760 based upon the total authorized stock of the corporation, excluding the proposed increase. In no case may the amount be less than $100.

Sec. 55.8. NRS 78.780 is hereby amended to read as follows:

78.780 1. The fee for filing a certificate of extension [in renewal] of corporate existence of any corporation is an amount equal to one-fourth of the fee computed at the rates specified in NRS 78.760 for filing [the original certificate] *articles* of incorporation.

2. The fee for filing a certificate of dissolution whether it occurs before or after payment of capital and beginning of business is $30.".

Amend sec. 58, page 33, by deleting lines 8 through 10 and inserting: "that enters this state to do business must:

(a) File in the office of the secretary of state of Nevada:

(1) A certificate of corporate existence issued not more than 90".

Amend sec. 58, page 33, line 18, by deleting "[(2)] *(b)*" and inserting "(2)".

Amend sec. 58, page 33, by deleting lines 22 through 35 and inserting: "agent [.] *, his street address for the service of process, and his mailing address if different from his street address. The street address of the resident agent is the registered office of the corporation in this state.*

(3) A statement executed by an officer of the corporation, acknowledged before a person authorized by the laws of the place where the acknowledgment is taken to take acknowledgments of deeds, setting forth [a] *:*

(I) A general description of the purposes of the corporation [.] *; and*

(II) The authorized stock of the corporation and the number and par value of shares having par value and the number of shares having no par value.

(b) Lodge in the office of the secretary of state a copy of the document most recently filed by the corporation in the jurisdiction of its incorporation setting forth the authorized stock of the corporation, the number of par value shares and their par value, and the number of no-par-value shares.".

Amend sec. 58, page 34, line 13, by deleting "registered".

Amend sec. 61, page 35, by deleting line 19 and inserting: "agent [;] , *his street address for the service of process, and his mailing address if different from his street address;* and".

Amend sec. 61, page 35, line 29, by deleting "*the resident*" and inserting: "*the resigning resident*".

Amend sec. 61, page 35, by deleting line 37 and inserting: ", *his street address for the service of process, and his mailing address if different from his street address.*".

Amend sec. 72, page 39, line 40, by deleting "*agent*" and inserting: "*agent, the street address for the service of process, and the mailing address if different from the street address.*".

Amend sec. 72, page 39, by deleting line 41.

Amend sec. 74, page 40, by deleting lines 43 and 44 and inserting: "*corporation designated as the resident agent, the street address for service of process, and the mailing address if different from the street address.*".

Amend sec. 76, page 41, by deleting lines 31 and 32 and inserting: "*corporation designated as the resident agent, the street address for service of process, and the mailing address if different from the street address.*".

Amend sec. 81, page 42, line 36, by deleting the open bracket.

Amend sec. 81, page 42, by deleting line 37 and inserting: "[in this state as required by NRS 82.141.] *at the street address of its registered*".

Amend sec. 84, page 44, line 9, by deleting "agent and" and inserting: "agent , [and]".

Amend sec. 84, page 44, line 10, by deleting "process." and inserting: "process [.] , *and the resident agent's mailing address if different from the street address.*".

Amend sec. 85, page 44, line 47, after "*a*" by inserting: "*for profit or nonprofit*".

Amend sec. 86, page 45, line 16, after "any" by inserting: "*for profit or nonprofit*".

Amend sec. 86, page 45, line 20, after "any" by inserting: "*for profit or nonprofit*".

Amend sec. 96, page 48, line 41, after "another" by inserting: "*for profit or nonprofit*".

Amend sec. 98, page 49, line 41, by deleting the italicized comma.

Amend sec. 102, page 52, line 38, by deleting "greater" and inserting "[greater] *different*".

Amend sec. 102, page 52, line 39, by deleting "greater" and inserting "[greater] *different*".

Amend the bill as a whole by adding a new section designated sec. 114.5, following sec. 114, to read as follows:

"Sec. 114.5. NRS 82.446 is hereby amended to read as follows:

82.446 1. A corporation may be dissolved and its affairs wound up voluntarily by the written request of a majority of the members and any person or superior organization whose approval is required by a provision of the articles authorized by NRS 82.091. The request must:

(a) Be addressed to the directors.

(b) Specify reasons why the winding up of affairs of the corporation is deemed advisable.

(c) Name three persons who are members to act as trustees in liquidation and in winding up the affairs of the corporation. The act of a majority of the directors as trustees remaining in office is the act of the directors as trustees.

2. Upon filing of the request with the directors and in the offices of the secretary of state, [and, if the corporation is a corporation for public benefit, upon mailing a copy of the request to the attorney general by registered mail, return receipt requested,] all powers of the directors cease. The secretary of state shall issue a certificate that the corporation is dissolved.".

Amend sec. 118, page 60, line 43, by deleting "78.775," and inserting "[78.775,] *78.785,*".

Amend sec. 121, page 61, by deleting line 34 and inserting: "*ration's resident agent, the street address for the service of process, and the mailing address if different from the street address.*".

Amend sec. 134, page 65, by deleting line 2 and inserting: "office [required to be maintained by NRS 86.231.] *maintained at the street address of its agent*".

Amend sec. 135, page 65, lines 9 and 10, by deleting "*resident agent*" and inserting: "*agent for service of process*".

Amend sec. 136, page 65, by deleting lines 18 through 20 and inserting:

"(d) The address of [its principal place of business in the state and] *the office where its records will be maintained as required by NRS 86.241,* the name and [business] *street* address of the agent for service of process [in the state;] , *and the mailing address of the agent for service of process if different from the street address;*".

Amend sec. 138, page 66, line 34, by deleting "*agent,*" and inserting: "*agent for service of process,*".

Amend sec. 142, page 68, line 41, by deleting "*name and*" and inserting "*name,*".

Amend sec. 142, page 68, line 42, by deleting "*process.*" and inserting: "*process, and mailing address if different from the street address.*".

Amend sec. 142, page 69, line 1, before "*agent*" by inserting "*resigning*".

Amend sec. 142, page 69, line 8, by deleting "*name and*" and inserting "*name,*".

Amend sec. 142, page 69, by deleting line 9 and inserting: "*address and mailing address, if different from the street address, of the new agent for service of process.*".

Amend the bill as a whole by adding new sections designated sections 146.1, 146.2, 146.3, 146.4, 146.5 and 146.6, following sec. 146, to read as follows:

"Sec. 146.1. NRS 88.330 is hereby amended to read as follows:

88.330 1. Each limited partnership shall continuously maintain in this state:

(a) An office, which may but need not be a place of its business in this state, at which must be kept the records required by NRS 88.335 to be maintained; and

(b) An agent for service of process on the limited partnership, who must be a natural person resident of this state, a domestic corporation or a foreign corporation authorized to do business in this state.

2. Every such agent for service of process shall [, within 10 days after acceptance of an initial appointment,] file a certificate thereof in the office of the secretary of state.

3. Within 30 days after changing the location of his office from one address to another in this state, an agent for service of process shall file a certificate with the secretary of state setting forth the names of the limited partnerships represented by the agent, the address at which the agent has maintained the office for each of the limited partnerships, and the new address to which the office is transferred.

4. Within 30 days after changing the location of the office which contains records for a limited partnership, the agent shall file a notice of the change in address with the secretary of state which sets forth the name of the limited partnership, the previous address of the office and the new address of the office.

Sec. 146.2. NRS 88.332 is hereby amended to read as follows:

88.332 1. Any person who has been designated by a limited partnership as its agent for service of process and who thereafter desires to resign shall file with the secretary of state a signed statement that he is unwilling to continue to act as the agent of the limited partnership for service of process. The execution of the statement must be acknowledged. A resignation is not effective until the signed statement is filed with the secretary of state. *The statement of resignation may contain an acknowledged statement by the affected limited partnership appointing a successor agent for service of process for the limited partnership. A certificate of acceptance executed by the new agent, stating the full name, complete street address and, if different from the street address, mailing address of the new agent, must accompany the statement appointing the new agent for service of process.*

2. Upon the filing of the statement with the secretary of state the capacity of the person as agent for service of process terminates . [, and the secretary of state forthwith shall] *If the statement of resignation does not contain a statement by the limited partnership appointing a successor agent for service of process, the resigning agent shall immediately* give written notice, by mail, to the limited partnership of the filing of the statement and the effect thereof. The notice must be addressed to a general partner of the partnership other than the agent for service of process.

3. If a designated agent for service of process dies, resigns or removes from the state, the limited partnership, within 30 days thereafter, shall file with the secretary of state a certificate [setting] *of acceptance, executed by the new agent for service of process. The certificate must set* forth the *full* name , [and] complete *street* address *and, if different from the street address, mailing address* of [a] *the* newly designated resident agent.

Sec. 146.3. NRS 88.350 is hereby amended to read as follows:

88.350 1. In order to form a limited partnership, a certificate of limited partnership must be executed and filed in the office of the secretary of state. The certificate must set forth:

(a) The name of the limited partnership;

(b) The address of the office and the name and address of the agent for service of process required to be maintained by NRS 88.330;

(c) The name and the business address of each general partner;

(d) The latest date upon which the limited partnership is to dissolve; and

(e) Any other matters the general partners determine to include therein.

2. *A certificate of acceptance of appointment of an agent for service of process, executed by the agent, must be filed with the certificate of limited partnership.*

3. A limited partnership is formed at the time of the filing of the certificate of limited partnership *and the certificate of acceptance* in the office of the secretary of state or at any later time specified in the certificate of limited partnership if, in either case, there has been substantial compliance with the requirements of this section.

Sec. 146.4. NRS 88.400 is hereby amended to read as follows:

88.400 1. When the annual fee for filing the list has been paid, the canceled check received by the limited partnership constitutes a certificate authorizing it to transact its business within this state until the anniversary date of the filing of its certificate of limited partnership in the next succeeding calendar year. If the limited partnership desires a formal certificate upon its payment of the annual fee, its payment must be accompanied by a self-addressed, stamped envelope.

2. Each limited partnership which refuses or neglects to file the list and pay the fee within the time provided is in default.

3. For default there must be added to the amount of the fee a penalty of [$10,] *$15,* and unless the filings are made and the fee and penalty are paid on or before the 1st day of the 9th month following the month in which filing was required, the defaulting limited partnership, by reason of its default, forfeits:

(a) The amount of the fee and penalty to the State of Nevada; and

(b) Its right to transact any business within this state.

Sec. 146.5. NRS 88.415 is hereby amended to read as follows:

88.415 The secretary of state, for services relating to his official duties and the records of his office, shall charge and collect the following fees:

1. For filing a certificate of limited partnership, [$75.] *$125.*

2. For filing a certificate of amendment of limited partnership or restated certificate of limited partnership, [$50.] *$75.*

3. For filing a reinstated certificate of limited partnership, $75.

4. For filing the annual list of general partners and designation of an agent for service of process, [$30.] *$85.*

5. For filing a certificate of the change of address of an agent for service of process, [$10] *$15* plus $1 for each limited partnership he represents.

6. For certifying a certificate of limited partnership, an amendment to the certificate, or a certificate as amended where a copy is provided, [$5.] *$10.*

7. For certifying an authorized printed copy of the limited partnership law, [$5.] *$10.*

8. For certifying the reservation of a limited partnership name, [$5.] *$20.*

9. For executing, filing or certifying any other document, $10.

10. For comparing any document or paper submitted for certification, with the record thereof, to ascertain whether any corrections are required to be made before certifying, 20 cents for each folio of 100 words of each document or paper compared.

11. For copies made at the office of the secretary of state , [from microfiche,] $1 per page.

12. For filing a certificate of cancellation of a limited partnership, $30.

Sec. 146.6. NRS 88.575 is hereby amended to read as follows:

88.575 Before transacting business in this state, a foreign limited partnership shall register with the secretary of state. In order to register, a foreign limited partnership shall submit to the secretary of state, in duplicate, an application for registration as a foreign limited partnership, signed and sworn to by a general partner and [setting] *a signed certificate of acceptance of an agent for service of process. The application for registration must set* forth:

1. The name of the foreign limited partnership and, if different, the name under which it proposes to register and transact business in this state;

2. The state and date of its formation;

3. The name and address of [any] *the* agent for service of process on the foreign limited partnership whom the foreign limited partnership elects to appoint, who must be a natural person who is a resident of this state, a domestic corporation or a foreign corporation having a place of business in, and authorized to do business in this state;

4. A statement that the secretary of state is appointed the agent of the foreign limited partnership for service of process if [no agent has been appointed pursuant to subsection 3 or, if appointed,] the agent's authority has been revoked or if the agent cannot be found or served with the exercise of reasonable diligence;

5. The address of the office required to be maintained in the state of its organization by the laws of that state or, if not so required, of the principal office of the foreign limited partnership;

6. The name and business address of each general partner; and

7. The address of the office at which is kept a list of the names and addresses of the limited partners and their capital contributions, together with an undertaking by the foreign limited partnership to keep those records until the foreign limited partnership's registration in this state is canceled or withdrawn.''.

Amend sec. 154, page 73, by deleting line 4 and inserting:

"2. NRS 78.160, 78.206, 78.2065, 78.400, 78.735, 78.775, 80.130, 80.230, 82.366,".

Amend sec. 155, page 73, by deleting lines 7 through 13 and inserting:

"(a) When Assembly Bill No. 655 was enacted into law as chapter 442, Statutes of Nevada 1991, the legislature was unaware that certain of the provisions thereof applicable to corporations for public benefit would materially and adversely affect the operations of many charitable foundations located in this state; and".

Amend sec. 155, page 73, line 14, by deleting "(c)" and inserting "(b)".

Amend sec. 155, page 73, line 15, before "foundations" by inserting "charitable".

Amend sec. 155, page 73, line 17, by deleting: "78, 97 and 100" and inserting: "97 to 100, inclusive,".

Amend sec. 155, page 73, line 20, after "3." by inserting:

"Section 58 of this act becomes effective at 12:01 a.m. on October 1, 1993.

4.".

Amend the Leadlines of Repealed Sections by deleting the leadline of NRS 78.438 and adding the leadlines of NRS 78.206, 78.2065 and 78.775.

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Assemblyman Sader moved that Assembly Bill No. 387 be re-referred to the Committee on Judiciary.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Judiciary.

Assembly Bill No. 462.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 472.

Amend sec. 3, page 1, by deleting lines 8 through 16 and inserting:

"Sec. 3. (Deleted by amendment.)".

Amend sec. 4, page 2, line 5, by deleting "*reception*" and inserting: "*or facilitate use*".

Amend sec. 4, page 2, by deleting lines 6 through 11 and inserting: "*The inference is rebutted if the accused shows that he purchased the device for a legitimate purpose.*".

Amend sec. 4, page 2, by deleting lines 13 and 14 and inserting: "*telephone service without full payment.*".

Amend sec. 4, page 2, by deleting lines 18 through 22 and inserting: "*compensation to the supplier.*".

Amend sec. 4, page 2, by deleting lines 32 through 36 and inserting: "*or facilitate an act prohibited by subsections 1 to 4, inclusive. Intent to violate this subsection for commercial advantage or financial*".

Amend sec. 5, page 3, line 1, by deleting "*1.*".

Amend sec. 5, page 3, by deleting lines 4 through 15.

Amend sec. 6, page 3, by deleting lines 16 through 32 and inserting:

"Sec. 6. *Unless a greater penalty is provided in NRS 205.920, a person who violates the provisions of section 4 of this act is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the service obtained or the loss resulting from the violation, and in no event less than a misdemeanor.*".

Amend the bill as a whole by renumbering sec. 7 as sec. 8 and adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. NRS 205.920 is hereby amended to read as follows:

205.920 1. It is unlawful to obtain or attempt to obtain telephone or telegraph service with intent to avoid payment therefor by:

(a) Charging the service to an existing telephone number without authority of the subscriber, to a nonexistent telephone number or to a number associated with telephone service which is suspended or terminated after notice of suspension or termination has been given to the subscriber;

(b) Charging the service to a credit card without authority of the lawful holder, to a nonexistent credit card or to a revoked or canceled (as distinguished from expired) credit card after notice of revocation or cancellation has been given to the holder;

(c) Using a code, prearranged scheme or other similar device to send or receive information;

(d) Rearranging, tampering with or making connection with any facilities or equipment, whether physically, electrically, acoustically, inductively or otherwise;

(e) Using any other deception, false token or other means to avoid payment for the service; or

(f) Concealing, or assisting another to conceal, from any telephone or telegraph company or from any lawful authority the existence or place of origin or destination of any message.

2. If the value of the service involved is $250 or more, any person violating the provisions of this section shall be punished by imprisonment in the state prison for not less than 1 year nor more than [10] *6* years, or by a fine of not more than $10,000, or by both fine and imprisonment. If the value of the service involved is less than $250 any person violating the provisions of this section is guilty of a misdemeanor. In determining the value of the service involved, the value of all services unlawfully obtained or attempted to be obtained within 3 years before the time the indictment is found or the information is filed may be aggregated.

3. This section applies when the service involved either originates or terminates, or both originates and terminates, in the State of Nevada, or when the charges for the service would have been billable in the normal course by a person, firm or corporation providing the service in Nevada but for the fact that the service was obtained or attempted to be obtained by one or more of the means set forth in subsection 1.".

Amend the bill as a whole by adding a new section, designated sec. 9, following sec. 7, to read as follows:

"Sec. 9. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"An Act relating to communication; prohibiting certain conduct regarding mobile telephone service; providing penalties; revising the penalty for the theft of telephone or telegraph service; requiring the suppliers of mobile telephone service to provide free access to numbers used in emergencies; and providing other matters properly relating thereto.".

Assemblyman Smith moved the adoption of the amendment.

Remarks by Assemblyman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 535.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 555.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 574.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 321.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 514.

Amend section 1, page 1, by deleting lines 18 through 21.

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblymen Sader and Gibbons.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that Assembly Bill No. 4 be placed on the Second Reading File.

Remarks by Assemblyman Price.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 238.

Bill read third time.

Remarks by Assemblyman Tiffany.

Roll call on Senate Bill No. 238:

YEAS—42.

NAYS—None.

Senate Bill No. 238 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 291.

Bill read third time.

Remarks by Assemblyman Bonaventura.

Roll call on Senate Bill No. 291:

YEAS—36.

NAYS—Giunchigliani, Porter, Schneider, Spitler, Myrna Williams, Wendell Williams—6.

Senate Bill No. 291 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 4.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 481.

Amend section 1, page 1, by deleting lines 8 through 14 and inserting: "appears.

3. A listing of any direct business associations or partnerships [with]".

Amend section 1, page 2, line 3, by deleting "*5.*" and inserting "*4.*".

Amend section 1, page 2, line 9, by deleting "*6.*" and inserting "*5.*".

Amend section 1, page 2, line 11, by deleting "*7.*" and inserting "*6.*".

Amend section 1, page 2, line 13, by deleting "*8.*" and inserting "*7.*".

Amend sec. 2, page 2, by deleting lines 25 through 31 and inserting: "legislator, including expenditures made by others on behalf of the registrant if the expenditures were made with the registrant's express or implied consent or were ratified by the registrant. *Except as otherwise provided in this subsection, the report must identify each legislator on whose behalf expenditures were made and, if subsection 2 is applicable, must be itemized with respect to each such legislator in the manner required by that subsection. If the expenditure was made in connection with a party or similar event hosted by the organization represented by the registrant to which more than 10 legislators were invited, the report need not identify each legislator on whose behalf the expenditures were made. In any case, expenditures on behalf of a person other than a legislator need not be reported pursuant to this section.*".

Amend sec. 3, page 3, by deleting lines 5 and 6 and inserting: "*the provisions of NRS 218.926. A lobbyist shall make available to the legislative*".

Amend sec. 3, page 3, line 9, after "*investigation.*" by inserting: "*The legislative auditor shall confine his requests for such records to those which specifically relate to the lobbyist's compliance with the reporting requirements of NRS 218.926.*".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Assemblyman Price moved that Assembly Bill No. 4 be re-referred to the Committee on Elections and Procedures.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Elections and Procedures.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Augustine, Marvel, Gibbons, McGaughey, Haller, Humke, Tiffany, Scherer, Gregory, Smith, Lambert, Bache, Chowning, Toomin, Neighbors, Myrna Williams, Hettrick, Garner, Porter, Anderson, de Braga, Regan, Petrak, Segerblom, Carpenter, Bonaventura, Wendell Williams, Sader, Schneider, Giunchigliani, Kenny, Freeman, Bennett, Spitler, Perkins, Dini, Ernaut, Price, Heller and Evans:

Assembly Bill No. 646—An Act relating to state purchasing; exempting certain purchases by specified state agencies from the provisions of the State Purchasing Act; and providing other matters properly relating thereto.

Assemblyman Augustine moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 293.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Forest Bibb.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Mylan Hawkins.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Robert Furrie, Christopher Ritland, Mike Rentnelli, Mss. Debra Furrie, Anita Tietjen, Mary Ritland and Jean Rentnelli.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Allan Rienap, Mrs. Gloria Tetzlaff and the following students from Huffaker Elementary School, Reno: Alex Gamboa, Ashleigh Williams, Danielle Dorsey, Kevin Sanada, Elizabeth Turner, Randon Fujii, Matt Morning, Philip Phu, Casey Ray, Taryn Thompson, Jennifer Elston, Stephanie Raabe, Stephanie Dow, Cecelia Ghezzi, Meagan Steurer, Sheila Teese, Kelly Vetrano, Jaclyn Hutchen, Rory Idler, Kevin Tappan, Luke Welmerink, Kyle Ryckebosch, John Adame, Joey Adkins, Nick Moore, Abby Parker, Ashley Satterwhite, Barron Ernst, Boby Wang, Brita Class, Cecil McCumber, Chad Sanada, Chris Ferguson/McIntyr, Denise McKay, Jay Lane, Jayleen Chen, Jeff Alessandrelli, Jeni Misseldine, Jennifer Berry, Jeremy Jaureguito, Jessica Flood,

John Reed, Kristie Landa, Lara Burgarello, Mike Hamilton, Michael Swaner, Nicole Paschal, Stacey Hernandez, Tessa Miller, Zachary Grazul and Amy Jackson.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Bill Petrak, Jr. and Ms. Carrie Gates.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Doreen Strickler.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Philip Horbert.

On request of Assemblyman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Harold Smith and Mrs. Eva Smith.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Senad Hrustanovic and Ms. Dorothy Souza.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, May 19, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 11:42 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-SECOND DAY

CARSON CITY (Wednesday), May 19, 1993

Assembly called to order at 11:12 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Stan Pesis.

Unable to tie things together as well as some of you obviously have been able to do, I nevertheless, ask that as we face the issues that might cause division and strife among us, we remember our common humanity. We also ask You, Lord, to grant us the vision and wisdom to make decisions that do not clash with Your will, but rather bring prosperity and peace to Your people. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Bennett moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Joint Resolution No. 25, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Senate Bill No. 344, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 343, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN EVANS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 18, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 63, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 58.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 235.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 147, 157.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Donnell, Coffin and Townsend as a first Committee on Conference concerning Senate Bill No. 72.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rhoads, Adler and Hickey as a first Committee on Conference concerning Senate Bill No. 123.

MARY JO MONGELLI
Assistant Secretary of the Senate

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:21 a.m.

ASSEMBLY IN SESSION

At 11:33 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 647—An Act relating to statutory liens; providing for a lien on a trailer under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Bache:

Assembly Bill No. 648—An Act relating to motorcycles; revising the provisions governing the program for the education of motorcycle riders to exclude trimobiles; allowing a member of the Armed Forces stationed in Nevada to be an instructor of a program for the education of motorcycle riders; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Hettrick (by request):

Assembly Bill No. 649—An Act relating to traffic laws; changing the method for determining whether a person has exceeded the speed limit; prohibiting the use of speed traps; requiring the department of transportation to conduct an engineering and traffic study of the highways of this state; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 650—An Act relating to counties; requiring the board of county commissioners of certain counties whose population is less than 100,000 to divide the county into commissioner districts; requiring each commissioner to be a resident of the district he represents; allowing the voters of the county to choose whether its commissioners are elected solely by the voters in each commissioner's district or by all the voters in the county; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 651—An Act relating to state employees; authorizing state agencies to require employees to take involuntary leave without pay during periods of shortfalls in revenue; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 652—An Act relating to Carson City; revising the membership of the general obligation bond commission; increasing the period of residency for candidates for the offices of mayor and supervisor; revising the provision concerning special meetings of the board of supervisors; making certain changes concerning investments, contracts and purchasing; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 653—An Act relating to state land; requiring the department of transportation to convey certain real property to the United States for the use of the Walker River Paiute Tribe; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 654—An Act relating to juvenile services; authorizing the board of county commissioners of certain counties to establish a department of family, youth and juvenile services; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 655—An Act relating to medically indigent persons; limiting the liability of the state for attorney's fees in obtaining recovery from a third person for assistance provided; revising the provisions governing the satisfaction of liens upon the proceeds of the recovery in certain civil actions; providing a remedy for the welfare division of the department of human resources where a recipient fails to provide certain notices concerning legal actions; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 656—An Act relating to controlled substances; expanding the authority of a judge to reduce or suspend the sentence of certain persons who are convicted of trafficking in a controlled substance; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ernaut, Gibbons, Chowning, Perkins, Regan, Bache, Anderson, Lambert, Heller, Hettrick, Sader, Augustine, Schneider, Neighbors, Segerblom, Collins, Spitler, Freeman, de Braga, Evans, Marvel, Bennett, Kenny, Petrak, Tiffany, McGaughey and Toomin:

Assembly Bill No. 657—An Act relating to campaign practices; revising the provisions relating to the filing of reports of campaign expenses; requiring the secretary of state to include certain categories of expenditures on the form required for the reporting of campaign expenses; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 235.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 235, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Joint Resolution No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:40 a.m.

ASSEMBLY IN SESSION

At 12:03 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 50, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Myrna Williams, Sader, Giunchigliani, Humke, Chowning, Toomin, Haller, McGaughey, Kenny, Gregory, Evans, Marvel, Porter, Anderson, Bache, Tiffany, Lambert, Smith, Freeman, Garner, Regan, Segerblom, Wendell Williams, Heller, Augustine, Spitler, Ernaut, de Braga, Neighbors, Perkins, Petrak, Bennett, Collins, Schneider, Price, Arberry and Dini:

Assembly Bill No. 658—An Act relating to victims of crime; requiring the administrator of the mental hygiene and mental retardation division of the department of human resources to appoint a person to assist victims of certain crimes and their families; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 210.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 379.

Bill read third time.

Remarks by Assemblymen Chowning, Toomin, Wendell Williams and Bennett.

Roll call on Assembly Bill No. 379:

YEAS—29.

NAYS—Arberry, Bennett, Bonaventura, Ernaut, Garner, Gibbons, Heller, Lambert, Porter, Scherer, Spitler, Tiffany, Wendell Williams—13.

Assembly Bill No. 379 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 535.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Assembly Bill No. 535:

YEAS—42.

NAYS—None.

Assembly Bill No. 535 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 555.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 555:

YEAS—42.

NAYS—None.

Assembly Bill No. 555 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 574.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Assembly Bill No. 574:

YEAS—42.

NAYS—None.

Assembly Bill No. 574 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 199.

The following Senate amendment was read:

Amendment No. 346.

Amend section 1, page 1, by deleting lines 14 through 16 and inserting: "*stalking. A person who commits the crime of aggravated stalking shall be punished by imprisonment in the*".

Amend section 1, page 2, by deleting lines 5 through 7 and inserting: "*5. As used in this section:*".

Amend section 1, page 2, by deleting lines 12 through 14 and inserting: "*ued without the victim's consent. The term does not include acts which are otherwise protected or authorized by constitutional or statutory law, regulation or order of a court of competent jurisdiction, including, but not limited to:*

(1) Picketing which occurs during a strike, work stoppage or any other labor dispute.

(2) The activities of a reporter, photographer, cameraman or other person while gathering information for communication to the public if that person is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station and is acting solely within that professional capacity.

(3) The activities of any person that are carried out in the normal course of his lawful employment.

(4) Any activities carried out in the exercise of the constitutionally protected rights of freedom of speech and assembly.".

Amend the bill as a whole by adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. This act becomes effective on July 1, 1993.".

Assemblyman Sader moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 199.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 87.

The following Senate amendments were read:

Amendment No. 347.

Amend section 1, page 1, line 3, by deleting "[or] *and*" and inserting "or".

Amendment No. 443.

Amend section 1, page 1, line 2, after "waive" by inserting "*or reduce*".

Amend section 1, page 1, line 4, after the period by inserting: "*The department shall, upon the request of any person, disclose the:*

(a) Name of the person whose interest or penalty was waived or reduced; and

(b) Amount so waived or the amount of the reduction.".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"An Act relating to taxation; authorizing the department of taxation to reduce or waive the payment of interest owed for the nonpayment of certain taxes; authorizing the department to reduce the amount of a penalty it imposed for the nonpayment of certain taxes; and providing other matters properly relating thereto.".

Assemblyman Sader moved that the Assembly concur in the Senate amendments to Assembly Bill No. 87.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 71.

The following Senate amendment was read:

Amendment No. 436.

Amend section 1, page 1, line 4, by deleting "officer," and inserting: "officer [,] *or law enforcement agency,*".

Amend section 1, pages 1 and 2, by deleting lines 8 through 25 on page 1 and lines 1 through 3 on page 2, and inserting: "authenticated or identified.] *Upon receipt of such a request, the prosecuting attorney may, before the property is released, require the peace officer or law enforcement agency to take photographs of the property. Except as otherwise provided in subsection 3, the peace officer or law enforcement agency shall return the property to the person submitting the request within a reasonable time after the receipt of the request, but in no event later than 120 days after the receipt of the request.*

2. In the absence of such a request, the prosecuting attorney may *authorize the peace officer or law enforcement agency that has custody of the property to* return the property to its owner or a person who is entitled to possession of the property.

3. [To be admissible under this section, photographs of property must be accompanied by a statement which contains:

(a) A written description of the property;

(b) The name of the owner of the property or other person to whom it was released; and

(c) The date the photographs were taken.

The written description must be signed, under penalty of perjury, by the peace officer who had custody of the property.

4.] *If the prosecuting attorney to whom a request for the release of property is made determines that the property is required for use as evidence in a criminal proceeding, he may deny the request for the release of the property.*

4. Photographs of property returned pursuant to the provisions of this section are admissible in evidence in lieu of the property in any criminal or civil proceeding if they are identified and authenticated in the proceeding by:

(a) The rightful owner of the property or person entitled to possession of the property to whom the property was released;

(b) The peace officer or representative of the law enforcement agency who released the property; or

(c) A credible witness who has personal knowledge of the property,

in accordance with the provisions of NRS 52.185 to 52.295, inclusive.

5. Any property subject to the provisions of this section which is not".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 71.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 230.

The following Senate amendment was read:

Amendment No. 379.

Amend section 1, page 1, by deleting lines 22 through 24 and inserting:

"*3. As used in this section, "baccarat commission" means:*

(a) A fee assessed by a licensee on cash paid out as a loss to a patron at baccarat to modify the odds of the game; or

(b) A rate or fee charged by a licensee for the right to participate in a baccarat game.".

Amend the title of the bill, first line, by deleting "certain".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 230.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 348.

The following Senate amendment was read:

Amendment No. 354.

Amend sec. 2, page 2, line 7, by deleting "After" and inserting: "[After]

2. Except as otherwise provided in subsection 3, after".

Amend sec. 2, page 2, by deleting lines 13 and 14 and inserting: "circumstances. *If a child is remanded to the juvenile division, the judge of that division*".

Amend sec. 2, page 2, after line 16, by inserting:

"*3. If a child is certified as an adult pursuant to subsection 1, original jurisdiction of his person for any offense with which he is later charged does not rest with the court to which he has been certified if the case that was transferred out of the juvenile division is dismissed or he is found not guilty of those charges.*".

Amend the title of the bill, second line, by deleting "such;" and inserting: "such under certain circumstances;".

Amend the summary of the bill, first line, by deleting the period and inserting: "under certain circumstances.".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 348.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Concurrent Resolution No. 31.

The following Senate amendment was read:

Amendment No. 444.

Amend the resolution, page 1, line 22, by deleting "assist" and inserting: "work in cooperation with the Department of Transportation".

Amend the resolution page 1, line 27, after "to" by inserting: "the Director of the Department of Transportation and".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Concurrent Resolution No. 31.

Remarks by Assemblyman Garner.

Motion carried.

Resolution ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 300 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 300.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 538.

Amend sec. 6, page 1, by deleting lines 14 and 15 and inserting:

"Sec. 6. *"License" means a license issued by the board pursuant to this chapter as evidence of a licensee's qualification to engage in the business of a hearing aid specialist or as an apprentice to a hearing aid specialist.*".

Amend sec. 9, page 1, by deleting lines 20 through 23 and inserting:

"Sec. 9. (Deleted by amendment.)".

Amend sec. 12, page 2, by deleting lines 5 through 23 and inserting:

"Sec. 12. *1. Except as otherwise provided in this section, upon written request to the board and payment of the applicable fee, a licensee in good standing may have his name and license transferred to an inactive list. Such a licensee shall not engage in the business of hearing aid specialist during the time the license is inactive. If an inactive licensee desires to resume the business of hearing aid specialist, the board shall reactivate the license upon the:*

(a) Demonstration, if deemed necessary by the board, that the licensee is then qualified and competent to practice;

(b) Completion of an application for reinstatement; and

(c) Payment of the current fee for renewal of the license.

Payment of the lapsed renewal fee and the renewal fee for any year while the license was inactive is not required.

2. The board shall not transfer the license of an apprentice to a hearing aid specialist to an inactive list.".

Amend sec. 24, page 5, by deleting lines 6 through 16 and inserting:

"637A.140 [The application must be under oath and must contain information to satisfy the board that:

1. The applicant] *An applicant for an examination as a hearing aid specialist must submit satisfactory evidence to the board that:*

1. He is a citizen of the United States or is lawfully entitled to remain in the United States.

2. [The applicant] *He* is over 21 years of age.

3. [The applicant is of good moral character.

4. The applicant] *He* has met the minimum educational requirements established by the board.".

Amend sec. 25, page 5, by deleting lines 18 through 32 and inserting:

"637A.150 1. [The board shall approve or disapprove each application.] *Upon receipt by the board of an application for examination or licensure, the secretary shall review it for conformity with the applicable requirements and submit the application to the board at its next scheduled meeting together with his recommendation for approval or disapproval.* If the board is satisfied that the information contained in the application is true, [and] that the applicant [is qualified to take the examination,] *meets all applicable requirements* and that he has paid the [required examination] *applicable* fee, it shall approve the application.

2. *An application may be disapproved if the applicant has:*

(a) Been convicted of fraud or misrepresentation.

(b) Been denied similar licensure in another state.

(c) Been the subject of disciplinary action by a professional licensing board in this or any other state.

(d) Practiced as a hearing aid specialist without proper licensure.

(e) Engaged in any other conduct deemed to be unprofessional by the board.

3. If the board approves the application , the secretary shall promptly notify the applicant in writing of [such] *the* approval and , *if applicable,* of the time and place of examination.

[3.] *4.* If the board disapproves the application , the secretary shall promptly notify the applicant in writing of [such] *the* disapproval, stating the reasons therefor.

[4.] *5.* Any applicant *for examination* whose application is approved by the board may take the examination required in NRS 637A.100.".

Amend sec. 26, page 5, between lines 44 and 45 by inserting:

"*Inactive status fee* ..... *100*".

Amend sec. 26, pages 5 and 6, by deleting lines 46 through 48 on page 5 and lines 1 and 2 on page 6.

Amend sec. 26, page 6, line 4, by deleting "*registration*" and inserting "*a license*".

Amend sec. 26, page 6, line 7, by deleting "*Registration*" and inserting "*Annual license*".

Amend sec. 27, page 6, by deleting lines 21 through 28 and inserting: "of a hearing aid specialist if the person is [registered with] *licensed by* the board as *an apprentice to* a hearing aid specialist . [apprentice.]

2. An applicant for licensure as an apprentice must submit to the board an application in the form adopted by the board and the applicable fees.".

Amend sec. 30, page 6, by deleting lines 44 through 47 and inserting:

"637A.250 The board may revoke or suspend a license after a hearing which discloses that the licensee:

1. Has been convicted of a felony . [or a misdemeanor involving moral turpitude.]".

Amend sec. 32, page 7, line 19, by deleting: "*or owner's license*".

Amend the bill as a whole by deleting sec. 33 and renumbering sections 34 and 35 as sections 33 and 34.

Amend the title of the bill to read as follows:

"An Act relating to hearing aid specialists; authorizing the issuance of a temporary license to practice as a hearing aid specialist; authorizing a licensee to request that his license be granted inactive status; revising provisions regarding fees which may be charged by the board; making various other changes; requiring the governor to appoint the chairman and secretary of the board of hearing aid specialists; and providing other matters properly relating thereto.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wendell Williams moved that Senate Bill No. 149 be taken from the Chief Clerk's desk and re-referred to the Committee on Education.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 333 be taken from the Chief Clerk's desk and re-referred to the Committee on Commerce.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 433; Assembly Joint Resolution No. 24 of the 66th Session; Senate Bills Nos. 18, 21, 104, 147, 157, 193, 194, 264, 266, 276.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Augustine, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Leah Milton.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Ron Etchart and Mrs. Patricia Etchart.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Bud Perkins, Erin Alvarez, Darin Essary, Mss. Kerry Klubben, Christine Fielder, Valerie Plemel, Debbie Palmer and the following students from Scarselli Elementary School, Gardnerville: Michelee Alvarez, James Beam, Curtis Culpep-

per, Tiffany Davis, Derek Dimitri, Daniel Essary, Alexis Frakes, Joe Garcia, David Gerhardt, Amanda Ivie, Rachelle Leal, Jennifer Lentz, Kristin Pimentel, Jacob Plemel, Sarah-Jane Pumphrey, Justin Rossi, Chris Sawin, Chris Shults, Olivia Sigler, Jesse Sparman, Dennis Sullivan, Ashley Sulprizio, Jason Taylor, Jeremy Taylor, Kolt Turria, Ana Aguilera, James Banks, Thomas Bayley, Zachary Bassner, Courtney Gardner, Kristen Garzarena, Angela Guastella, Andrew Johnson, Zachary Kennedy, Daniel Link, Jennifer Morgan, Michael Morris, Gretchen Nystrom, William Orrock, Adam Palmer, Desiree Ransom, Rachelle Ricks, Shenan Sira, John Stephan, William Thomas, Brian Turley, Jeremy Warren and Ashley Wilson.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Patsy Miller, Leora Betschart, Messrs. Larry Etter, Tim Halpin and the following students from Eureka Elementary School, Eureka: Jessica Betschart, Julia Lowe, Theresa Minoletti, Jayne Halpin, Scott Bellach, Peter Darila, Richard Marty, Demetrio Vasquez and Jerry Peek.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Harry Vogel and Mrs. Miriam Vogel.

On request of Assemblyman Toomin, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. John Moran, III.

Assemblyman Porter moved that the Assembly adjourn until Thursday, May 20, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:40 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-THIRD DAY

CARSON CITY (Thursday), May 20, 1993

Assembly called to order at 11:11 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ruth Hanusa.

Dear God, You are the creator of all things; the earth and its seas, the heavens and their stars, humans and critters, chickens and turkeys. Create in us the courage to care for the part of Your creation for which we are accountable, that we neither needlessly gobble up the earth's resources, foul up the air, nor chicken out on our responsibilities. In Your goodness, lift us up on eagles' wings and continue to grace us with humor when the gift of the turkey is our lot. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 19, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 94, 291, 337, 416, 422, 429, 470, 489.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolutions Nos. 7, 16, 23.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Joint Resolution No. 3, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI
Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Assembly Bill No. 235.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 342.

Amend section 1, page 1, between lines 22 and 23, by inserting:

"*If discipline is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the board.*".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 624.140 is hereby amended to read as follows:

624.140 [If]

1. Except as otherwise provided in subsection 3, if money becomes available from the operations of this chapter and payments made for licenses, the board may pay from that money:

[1.] *(a)* The expenses of the operations of this chapter, including the maintenance of offices.

[2.] *(b)* The salary of the executive officer who must be named by the board.

[3.] *(c)* A salary to each member of the board of not more than $80 per day, as fixed by the board, while engaged in the business of the board.

[4.] *(d)* A per diem allowance and travel expenses for each member and employee of the board at a rate fixed by the board, while engaged in the business of the board. The rate must not exceed the rate provided for state officers and employees generally.

2. The board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in banks or savings and loan associations in this state.

3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the board deposits the money collected from the imposition of fines with the state treasurer for credit to the state general fund, it may present a claim to the state board of examiners for recommendation to the interim finance committee if money is needed to pay attorney's fees or the costs of an investigation, or both.".

Amend sec. 2, page 2, between lines 9 and 10, by inserting:

"*3. If discipline is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the board.*".

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding a new section designated sec. 4, following sec. 2, to read as follows:

"Sec. 4. NRS 625.150 is hereby amended to read as follows:

625.150 1. The board shall deposit in banks and savings and loan associations in the State of Nevada all [fees] *money* collected by it.

2. [All fees] *Except as otherwise provided in subsection 6, all money* collected by the board must be used to meet the expenses of examinations, the expenses of issuance of certificates and the expenses of conducting the office of the board.

3. The expenses, including the per diem allowances and travel expenses of the members and employees of the board while engaged in the business of the board and the expenses of conducting examinations, must be paid from the current receipts. No portion thereof may be paid from the state treasury.

4. Any balance remaining in excess of the expenses incurred may be retained by the board and used in defraying the future expenses thereof.

5. The board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines and penalties therefor and deposit the money therefrom in banks or savings and loan associations in this state.

6. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 5 and the board deposits the money collected from the imposition of fines with the state treasurer for credit to the state general fund, it may present a claim to the state board of examiners for recommendation to the interim finance committee if money is needed to pay attorney's fees or the costs of an investigation, or both.".

Amend the bill as a whole by renumbering sections 4 through 9 as sections 7 through 12 and adding a new section designated sec. 6, following sec. 3, to read as follows:

"Sec. 6. NRS 632.090 is hereby amended to read as follows:

632.090 [All]

1. Except as otherwise provided in subsection 3, all money received by the board under the provisions of this chapter must be paid to the executive director of the board, who shall deposit the money in banks or savings and loan associations in the State of Nevada. [Such] *The* money may be drawn on by the board for payment of all expenses incurred in the administration of the provisions of this chapter.

2. The board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines and penalties therefor and deposit the money therefrom in banks or savings and loan associations in this state.

3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the board deposits the money collected from the imposition of fines with the state treasurer for credit to the state general fund, it may present a claim to the state board of examiners for recommendation to the interim finance committee if money is needed to pay attorney's fees or the costs of an investigation, or both.".

Amend sec. 6, page 3, line 36, before "*In*" by inserting "*1.*".

Amend sec. 6, page 3, between lines 39 and 40, by inserting:

"*2. If discipline is imposed pursuant to this chapter, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the board.*".

Amend the bill as a whole by renumbering sections 10 through 14 as sections 14 through 18 and adding a new section designated sec. 13, following sec. 9, to read as follows:

"Sec. 13. NRS 641B.150 is hereby amended to read as follows:

641B.150 1. [All] *Except as otherwise provided in subsection 4, all* reasonable expenses incurred by the board in carrying out the provisions of this chapter must be paid from the [fees] *money* which it receives. No part of the salaries or expenses of the board may be paid out of the state general fund.

2. All money received by the board must be deposited in qualified banks or savings and loan associations in this state and paid out on its order for its expenses.

3. The board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines and penalties therefor and deposit the money therefrom in banks or savings and loan associations in this state.

4. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 3 and the board deposits the money collected from the imposition of fines with the state treasurer for credit to the state general fund, it may present a claim to the state board of examiners for recommendation to the interim finance committee if money is needed to pay attorney's fees or the costs of an investigation, or both.".

Amend sec. 12, page 6, line 27, by deleting "*$1,000*" and inserting "*$5,000*".

Amend sec. 12, page 7, between lines 16 and 17, by inserting:

"*If discipline is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the board.*".

Amend sec. 13, page 7, line 28, by deleting "*$1,000*" and inserting "*$5,000*".

Amend sec. 13, page 7, between lines 45 and 46, by inserting:

"*8. If discipline is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the administrator.*".

Amend sec. 14, page 8, between lines 19 and 20, by inserting:

"*4. If discipline is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the commission.*".

Amend the bill as a whole by renumbering sec. 15 as sec. 20 and adding a new section designated sec. 19, following sec. 14, to read as follows:

"Sec. 19. NRS 648.040 is hereby amended to read as follows:

648.040 1. [All] *Except as otherwise provided in subsection 6, all* money received pursuant to the provisions of this chapter must be deposited in the state treasury for credit to the attorney general's special fund and must be used by the board for the administration of this chapter and to pay the expenses and salary of members, agents and employees of the board.

2. Any amount remaining in the fund at the end of a fiscal year must be carried forward into the next fiscal year.

3. The board through majority vote controls exclusively the expenditures from the fund. The board may not make expenditures or incur liabilities in a total amount greater than the amount of money actually available in the fund.

4. [The] *Except as otherwise provided in subsection 6, the* money in this fund may be used to:

(a) Pay the expenses of the board in connection with the investigation of the background of an applicant;

(b) Finance a substantive investigation of a licensee or of unlicensed activity; and

(c) Pay the operational and administrative expenses of the board and its secretary,

and for such other expenses as the board deems appropriate to regulate the persons subject to its supervision.

5. The board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines therefor and deposit the money therefrom in the state treasury for credit to the attorney general's special fund.

6. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 5, the board shall deposit the money collected from the imposition of fines with the state treasurer for credit to the state general fund. In such a case, the board may present a claim to the state board of examiners for recommendation to the interim finance committee if money is needed to pay attorney's fees or the costs of an investigation, or both.".

Amend the bill as a whole by renumbering sections 16 through 40 as sections 22 through 46 and adding a new section designated sec. 21, following sec. 15, to read as follows:

"Sec. 21. NRS 654.120 is hereby amended to read as follows:

654.120 1. The secretary of the board shall receive and account for all money paid to the board pursuant to this chapter. The secretary of the board shall deposit the money in banks or savings and loan associations in the State of Nevada.

2. [All] *Except as otherwise provided in subsection 5, all* money received by the board pursuant to this chapter must be used to:

(a) Pay the salaries and per diem and travel expenses of the members and employees of the board.

(b) Administer the provisions of this chapter.

3. Any money which remains at the end of the fiscal year must be retained by the board for future disbursement for the purposes enumerated in subsection 2.

4. The board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines and penalties therefor and deposit the money therefrom in banks or savings and loan associations in this state.

5. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 4 and the board deposits the money collected from the imposition of fines with the state treasurer for credit to the state general fund, it may present a claim to the state board of examiners for recommendation to the interim finance committee if money is needed to pay attorney's fees or the costs of an investigation, or both.".

Amend sec. 16, page 9, between lines 3 and 4, by inserting:

"*3. If discipline is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the board.*".

Amend sec. 17, page 10, between lines 6 and 7, by inserting:

"*5. If a sanction is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the administrator.*".

Amend sec. 18, page 10, line 32, after "chapter." by inserting: "*If a remedial action is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the administrator.*".

Amend sec. 19, page 11, between lines 2 and 3, by inserting:

"*If a penalty is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the administrator.*".

Amend sec. 20, page 11, line 4, after "338.060" by inserting "*1.*".

Amend sec. 20, page 11, line 6, by deleting "*$25*" and inserting: "*not less than $10 nor more than $25*".

Amend sec. 20, page 11, line 10, after "contract." by inserting:

"*2. The labor commissioner shall, by regulation, establish a sliding scale based on the size of the contractor's business to determine the amount of the penalty to be imposed pursuant to subsection 1.*

3. If a penalty is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the labor commissioner.".

Amend sec. 21, page 11, line 40, after "passage." by inserting: "*If a fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the board.*".

Amend sec. 22, page 12, line 17, after "removal," by inserting: "*investigative costs, attorney's fees,*".

Amend sec. 24, page 13, between lines 13 and 14, by inserting:

"*4. If a penalty is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the commission.*".

Amend sec. 25, page 13, line 19, after "action." by inserting: "*If discipline is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the division.*".

Amend sec. 26, page 13, line 24, after "*violation.*" by inserting: "*If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the department.*".

Amend sec. 27, page 13, between lines 31 and 32, by inserting:

"*If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the department.*".

Amend sec. 28, page 13, between lines 38 and 39, by inserting:

"*If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the department.*".

Amend sec. 29, page 13, line 43, after "*violation.*" by inserting: "*If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the department.*".

Amend sec. 30, page 14, line 3, after "*violation.*" by inserting: "*If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the department.*".

Amend sec. 31, page 14, line 10, after "*violation.*" by inserting: "*If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the department.*".

Amend sec. 32, page 14, between lines 22 and 23, by inserting:

"*3. If a penalty is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the attorney general.*".

Amend sec. 33, page 14, between lines 44 and 45, by inserting:

"*3. If a penalty is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the attorney general or district attorney, as appropriate.*".

Amend sec. 34, page 15, line 3, after "*$5,000.*" by inserting: "*If a fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the labor commissioner.*".

Amend sec. 35, page 15, between lines 16 and 17, by inserting:

"*(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his investigative costs and attorney's fees.*".

Amend sec. 36, page 16, line 6, after "*commissioner.*" by inserting: "*If a fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the commissioner.*".

Amend sec. 37, page 16, between lines 19 and 20, by inserting:

"*(c) If a fine is imposed pursuant to this section, enter such order as is necessary to recover the costs of the proceeding, including his investigative costs and attorney's fees.*".

Amend sec. 38, page 17, line 2, by deleting "[$500,] *$1,000,*" and inserting "$500,".

Amend sec. 38, page 17, between lines 9 and 10, by inserting:

"*4. If a sanction is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the administrator.*".

Amend sec. 39, page 18, lines 4 and 5, by deleting "[$500.] *$1,000.*" and inserting "$500.".

Amend sec. 39, page 18, line 9, after "3." by inserting: "*If a penalty is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the administrator.*

4.".

Amend sec. 40, page 18, by deleting lines 20 through 23 and inserting: "shown and upon at least 5 days' notice to the grantee of any certificate [, permit or license,] *or driver's permit,* and after a hearing unless waived by the grantee, penalize the grantee *of a certificate* to a maximum amount of [$1,000] *$15,000 or penalize the grantee of a driver's permit to a maximum amount of $500* or suspend or revoke the certificate [, permit or license] *or driver's permit* granted by it or him, respectively, for:".

Amend sec. 40, page 18, by deleting lines 29 and 30 and inserting: "*If a penalty is imposed on the grantee of a certificate pursuant to this section, the taxicab authority or administrator may require the grantee to pay the costs of the proceeding, including investigative costs and attorney's fees.*".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 464.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 474.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *As used in this section and section 3 of this act:*

1. "Abuse or neglect of a child" has the meaning ascribed to it in NRS 432B.020.

2. "Child" means a person under the age of 18 years.

3. "Custodian" means a person or a governmental organization, other than a parent or legal guardian, who has been awarded legal custody of a child.

4. "Harbor a child" means to provide a child with food, shelter or other necessities of life:

(a) Without the consent of a custodian, parent or legal guardian of the child; and

(b) With the intent to assist the child to run away.

5. "Home" means the living quarters established by a custodian, parent or legal guardian of a child as the child's normal residence.

6. "Parent" means a natural or adoptive parent whose parental rights have not been terminated.

7. "Run away" means to leave or remain away from a child's home without the permission of a custodian, parent or legal guardian of the child, with the intent to remain away from home for:

(a) Not less than 8 hours; or

(b) An indefinite period.

Sec. 3. *1. Except as otherwise provided in subsection 2, a person who harbors a child who has run away and is reported as missing to a law enforcement agency, is guilty of a misdemeanor.*

2. The provisions of subsection 1 do not apply to any person who:

(a) Is authorized by judicial order, federal or state statute or regulation, or ordinance or regulation of a local government, or by a federal, state or local governmental agency, to provide food, shelter or other necessities of life to a child who has run away; or

(b) In good faith reasonably believes that his actions are necessary to prevent the abuse or neglect of a child.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 20.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 343.

Bill read second time and ordered to third reading.

Senate Bill No. 344.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 25.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that Assembly Bill No. 176 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Carpenter.

Motion carried.

Assemblyman Garner moved that Assembly Bill No. 31 be taken from the General File and re-referred to the Committee on Government Affairs.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 66 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Giunchigliani moved that Senate Bill No. 210 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Giunchigliani.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 659—An Act relating to wildlife; requiring a mining operation to obtain a permit from the department of wildlife before using cyanide or other chemicals deleterious to wildlife; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 660—An Act making an appropriation to the Life Line Pregnancy Assistance and Vocational Training Center for continuation of its nonprofit pregnancy assistance, educational and vocational training center; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 661—An Act relating to unarmed combat; increasing the amount of the bond required for the issuance of a license; increasing the amount of insurance coverage required for a contestant in an exhibition or contest; reducing the maximum number of rounds allowed for a boxing contest, sparring match or exhibition; eliminating the authority to issue certain licenses without the payment of a fee; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 662—An Act relating to industrial insurance; requiring an employer to report certain information; requiring certain insurers, third-party administrators and self-insured employers to issue identification cards to employees; requiring an employee to present his identification card to providers of health care treating an industrial injury or occupational disease; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 494, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was re-referred Assembly Bill No. 77, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 50.

Bill read third time.

Remarks by Assemblymen Anderson, Myrna Williams and Sader.

Roll call on Assembly Bill No. 50:

YEAS—40.

NAYS—Collins, Lambert—2.

Assembly Bill No. 50 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 462.

Bill read third time.

Remarks by Assemblymen Smith and Spitler.

Conflict of interest declared by Assemblyman Spitler.

Roll call on Assembly Bill No. 462:

YEAS—41.

NAYS—None.

Not voting—Spitler.

Assembly Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 321.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 321:

YEAS—42.

NAYS—None.

Senate Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 176.

Bill read third time.

The following amendment was proposed by Assemblyman Carpenter:

Amendment No. 575.

Amend sec. 3, page 2, between lines 43 and 44, by inserting:

"*The order of the board must be reduced to writing, including a statement of any actions which must be taken to effectuate the decision and the person to whom each such action has been assigned. If possible, the order must be*

signed by any person who has agreed to take a specific action to effectuate the board's decision. The lack of such a signature does not invalidate the order.

4. If the order of the board is to close or abandon a public road, the board shall, upon the petition of five or more residents of the state, designate and provide an alternate route serving the same area.".

Amend sec. 3, page 2, line 44, by deleting "*4.*" and inserting "*5.*".

Amend sec. 3, page 3, line 1, by deleting "*5.*" and inserting "*6.*".

Amend sec. 3, page 3, line 5, by deleting "*6.*" and inserting "*7.*".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 175 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 175.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 558.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective upon passage and approval.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 3.

The following Senate amendment was read:

Amendment No. 438.

Amend section 1, page 2, line 11, by deleting "*addition, each*" and inserting: "*addition:*

(a) Each".

Amend section 1, page 2, between lines 14 and 15, by inserting:

"*(b) Except as otherwise provided in this subsection, each licensed physician, registered nurse and certified physicians' assistant must have current certification of completion of a course in:*

(1) Advanced life-support procedures for patients who require cardiac care;

(2) Life-support procedures for pediatric patients who require cardiac care; or

(3) Life-support procedures for patients with trauma that are administered before the arrival of those patients at a hospital.

The certification must be issued by a national organization which is nationally recognized for issuing such certification and is approved by the board. In lieu of having such current certification, the board may accept proof of the successful completion of equivalent training that is approved by the board.''.

Amend the title of the bill, fourth line, after ''ambulance;'' by inserting: ''establishing training requirements for physicians, registered nurses and physicians' assistants who are not licensed as ambulance attendants;''.

Assemblyman Evans moved that the Assembly concur in the Senate amendment to Assembly Bill No. 3.

Remarks by Assemblyman Evans.

Motion carried.

Bill ordered enrolled.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:45 a.m.

ASSEMBLY IN SESSION

At 12:02 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 20, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 38.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 38.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblymen Myrna Williams, Spitler, Porter, Price, Schneider, Wendell Williams and Segerblom.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. Hank Greenspun was a man of principle. He had the courage of his convictions. Often times, those convictions led him down dangerous paths with seemingly impossible odds, yet Hank persevered.

His door at the *Las Vegas Sun* was always open to any citizen who wanted to voice an opinion. He said what he meant, and he meant what he said. He battled for his country, for the Constitution, for children, for seniors, the environment, for fairness, for families, for the people of Nevada and, above all, for the truth.

When my family moved to Las Vegas in 1960, one of the biggest surprises we had was the fact that Hank Greenspun, publisher of the *Las Vegas Sun*, was there. We had followed him very carefully through his battles with the infamous Senator Joseph McCarthy. That is when we decided that there was no better place to live. If it was good enough for Hank Greenspun, it was certainly good enough for us.

ASSEMBLYMAN SPITLER:

Thank you, Mr. Speaker. I also rise in support of Senate Concurrent Resolution No. 38. I came to Nevada after Mr. Greenspun had already created a Nevada legacy. I must tell you his contributions to the things around us in southern Nevada were well known. His newspaper columns brought historic and current issues to the forefront in a very colorful manner. I often wondered how he knew so much about the world around us, being a newcomer to Nevada. Then, my good friend Muriel Stevens gave me a copy of his book, "Where I Stand," and suddenly, I knew why. Mr. Greenspun wrote and lived with passion. I respect that. While today we have his memories, we are blessed with his family, each of whom is quite independent and continues the community spirit that Hank Greenspun began.

Mr. Speaker, I must tell you and this body that one of my fondest memories is one that took place at a charity event. I saw Mr. and Mrs. Greenspun dancing. I had heard they were superb dancers, but you could not believe your eyes. They danced as though they were on air. Such a beautiful couple.

It certainly is my pleasure to join with my colleagues in saluting Mr. Greenspun's memory and honoring his family. His beautiful wife, Barbara; his daughters Susan and Janie; his sons Brian and Danny; and all of the members of their respective families, Jeff, Myra and Robin. Thank you, Mr. Speaker.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. I rise in support of Senate Concurrent Resolution No. 38. Believe it or not, Mr. Speaker, I once worked for Mr. Greenspun. At the age of 12, I was the *Las Vegas Sun* paper boy and made about $60 a month. When I was growing up in Clark County, the *Las Vegas Sun* really was the community newspaper. I still have a bunch of clippings, somewhere in a box, of different sporting events that I was involved with in high school. The *Las Vegas Sun* was always the newspaper that focused more upon the community of Clark County and seemed to have more heart for Clark County than did its closest competitor.

When focusing on the life of Hank Greenspun, he did a lot of things that I always got a kick out of. I remember the gubernatorial race between Ed Fike and Mike O'Callaghan in 1970. I see Barbara shaking her head on that. There were some stories and headlines that passed back and forth on that race. I remember, as a young lawyer right out of law school, when federal judge Harry Claiborne was being tried here in Reno. Mr. Greenspun attended every one of those court proceedings and placed his newspaper rack right outside the Federal Court House. He was instructed by the federal judge to remove it. He took on the federal judiciary in the middle of the case, sticking up for a man whom he considered to be his friend. That was the kind of man Hank Greenspun was. If we could instill some of those values in some of our membership in this legislature, Nevada would be a better place because of his efforts. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I rise in support of Senate Concurrent Resolution No. 38. Like my colleague, the Speaker pro Tempore, I was aware of Hank Greenspun prior to coming to Nevada, although he was not the reason that I moved here. My family was already here. My last year of high school in Cheyenne, Wyoming, my family had already moved to Las Vegas. I worked for the newspaper as a copy boy in Cheyenne. I was also a member of the debate team my senior year in high school. When we went to Denver for competition, my assignment was defending the senator from Wisconsin's actions and so I became aware of Hank Greenspun. He was also the subject of discussion at the newspaper in Cheyenne. He was one Nevadan I knew, other than my family, when I got here. I enjoyed the various contacts over the years.

Of course, I was always happy because he had the very good sense to endorse me over the years. Although, they never hesitated to put me on the front page showing the fuzz buster in my car. He certainly was a wonderful institution for Nevada. I am so pleased we are doing this resolution today.

ASSEMBLYMAN SCHNEIDER:

Thank you, Mr. Speaker. I, too, rise in support of this resolution. Like Mr. Porter, I am a former employee of the *Las Vegas Sun*. However, I started out past the paper boy status. One day, shortly after I moved to town, the *Las Vegas Sun* called Gorman High School. They were looking for someone to be a copy boy in the sports department. I gladly went and accepted the position. I worked my way up from a copy boy to a sports editor.

I worked in the summer with Brian Greenspun, who came home from college. I worked with Robin. I used to go over and chat with her in the art department. Through that experience I was able to apply for a scholarship and received a full ride scholarship to college from the press club. That would not have been an opportunity available to me without the experience and the consideration from the Greenspun family. Thank you, very much, Mr. Speaker.

ASSEMBLYMAN WENDELL WILLIAMS:

Thank you, Mr. Speaker. I rise in support of Senate Concurrent Resolution No. 38. Unlike some of my colleagues, I did not have the opportunity to know Mr. Greenspun or his family. I have been taught that men should not seek to fill the shoes of great men, but to seek the things that they sought. This resolution talks about the courage and conviction of Mr. Greenspun. I have had the opportunity to learn and read about some of the convictions of Mr. Greenspun's courage in reference to human rights.

This morning, in one of the committees, there was a hearing on a particular piece of legislation that dealt with situations and historical aspects of Clark County and Las Vegas. There was talk about some of the changes that had happened in Clark County during the trying times of the 1950s and 1960s with moves to integrate public accommodations in downtown Las Vegas and the Las Vegas strip. In 1960, in Las Vegas, a very important and significant meeting took place that changed the landscape of Nevada politics. It changed the shape and landscape of our ideas and principles in reference to human rights. That particular meeting took place between a number of key officials in our state including Governor Sawyer and members of the NAACP. It resulted in a very positive change in Clark County. Ironically, but not surprisingly, that meeting was mediated by none other than Hank Greenspun. The legacy of this particular Nevadan serves as a life for many people who will travel after us in the years to come and will serve as an example for all true Nevadans. I wholeheartedly urge my colleagues to support this resolution.

ASSEMBLYMAN SEGERBLOM:

Thank you, Mr. Speaker. I rise in support of Senate Concurrent Resolution No. 38. Being a family friend of the Greenspuns for many years, and looking forward to "Where I Stand" every day so I would know where I stood, I want to support this resolution. I also want to remind you that the Greenspuns came to Nevada by way of Boulder City.

Resolution adopted unanimously.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 71, 87, 230, 348; Assembly Concurrent Resolutions Nos. 31, 58.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Michelle Pierce and Ivania Fuentes.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Ginny Young and the

following students from Reed High School, Sparks: Sheila Alarcon, Nicole Biglieri, David Bowman, Binh Chau, Richard Christensen, Lori Feldman, William Ferrier, Christopher Frick, Shauna Graves, Heidi Greenleaf, Molly Hutchinson, Szilard Incze, Kalani Lizares, Todd Maki, Stacy Rittel, Kerry Schlingheyde, Michael Steward, Sean Wyett, Gayle Shapiro, Jeff Nelson, Josh Taylor, Aaron Armstrong, Jeffrey Bellows, Marion Bowen, Allan Campbell, William Colestock, Erica Cronick, Steven Dickerson, Miles Humphreys, Vanessa Koehler, Angela Loth, Daniel Maffett, Normandee Miller, Benjamin Nelson, Timothy O'Brien, Nhan Pak, Jessica Palian, Thomas Radley, Natalie Reese, Ricki Sammons, Jennifer Troy, Michael Urevich-Smalley, Steven Yacuk, Miranda Shepherd, Natalie Williams, Carlos Yanga, Sean Hicks, Denise Baker, Kory Bergman, Jennifer Burke, Tri Cao, Cindy Charlton, Constance Chien, John Dickinson, Reggie Hidalgo, Joshua Johnson, Nickolas Knight, Michael Mansfield, Jason Molina, Joshua Morrow, Debra Osborn, Cindy Padgett, Paul Park, Laney Porter, Michael Porter, Edgar Silva, Moon Su, Stella Sung, Angela Umphreys, Melissa Vanorden, Brian Watson and Eun Yim.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Amy Clyne.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Kristi Dziurca.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jill Valline.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jason Myers.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jill Cuddy.

On request of Assemblyman Haller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jason Koepp-Herthel and Ms. Jennifer Shipman.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Lee Rathbun.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Julie Gore, Diane Boone and the following students from Wooster High School, Reno: Cecilia Almanza, Mike Altimus, Shane Algarin, Greg Anderson, Scherry Busch, Tonya Call, Laura Corse, Wilbur Cothrun, Joe Coudriet, Gina Curti, Missy Deckert, Omar DeLaTorre, Lara Drost, Liz Dunivan, Matt Finley, Marta Flores, Kevin Gentolizo, Matt Grace, Ernest Gresham, Scott Hopper, Heather Hoskins, Monica Iturri, David Hopperstead, James Kellames, Mike Laxague, Steve Mahoney, Ron Mattioli, Lisa Moody, Dave Morandi, Kelly Odell, Justin Prosser, Pam Rotsma, Brett Sabatini, Aimee Simmons, Janis Taylor, Lisa Todaro, J. J. Ulrich, Keri Walkiewiez, Bobby Walker, Nate Robinson, Cory Beard and Justin Simpson.

On request of Assemblyman McGaughey, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Rhonda Santiago.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Deborah Miller.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Brian Greenspun and Mrs. Myra Greenspun.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jeffrey Gale and Mrs. Jane Gale.

On request of Assemblyman Regan, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Wendy Carter.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Danny Greenspun and Ms. Robin Greenspun.

On request of Assemblyman Toomin, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Corey Henton.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Barbara Greenspun and Susan Fine.

Assemblyman Porter moved that the Assembly adjourn until Friday, May 21, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:22 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-FOURTH DAY

CARSON CITY (Friday), May 21, 1993

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Scherer and McGaughey, who were excused.

Prayer by the Chaplain, The Reverend Ruth Hanusa.

Today, O Lord, we pray for all those who work in this place; for those who write bills, crafting the words with care; for those who conduct hearings; for those who listen; for those who speak that they may do so with fairness, thoroughness and truthfulness; for those who lobby, that they might represent their special interests, also mindful of the common good; for those who type and process words; for those who deliver messages and answer phones; for gate keepers and chair fetchers; for those who make coffee and pastries; for those who clean and make repairs; for presiders and deciders; for the articulate and the ramblers; for those whose humor daily refreshes the whole body; for all these we pray, O Lord. May they never weary in well-doing. Guide them, bless them, sustain them, O God. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Joint Resolution No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 135, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 145, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 20, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 236, 254, 525.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 378.

MARY JO MONGELLI
Assistant Secretary of the Senate

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:14 a.m.

ASSEMBLY IN SESSION

At 11:17 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Anderson, Evans, Marvel, Sader, Giunchigliani, Arberry, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Dini, Ernaut, Freeman, Garner, Gibbons, Gregory, Haller, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Neighbors, Perkins, Petrak, Porter, Price, Regan, Scherer, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin, Myrna Williams and Wendell Williams:

Assembly Concurrent Resolution No. 60—Memorializing Nevada native and educator, Luis Esteban Justino Mendive.

WHEREAS, The Nevada Legislature notes with sorrow the passing of Nevada native, Luis Esteban Justino Mendive; and

WHEREAS, Luis Esteban Justino Mendive was born on April 15, 1925, in Battle Mountain, graduating from Battle Mountain High School in 1943; and

WHEREAS, Luis Mendive received his Bachelor's Degree in 1950, and his Master's Degree in 1958, from the University of Nevada, Reno; and

WHEREAS, While attending the University of Nevada, Reno, Luis Mendive was a member of the Nevada Delta Iota Chapter of Alpha Tau Omega Fraternity and Phi Kappa Phi; and

WHEREAS, Luis Mendive taught school in Carlin, Nevada, from 1950 to 1952, was a teacher and coach at Sparks High School from 1952 to 1956, was the principal of Robert Mitchell School from 1956 to 1961 and was the principal of Sparks Middle School from 1961 until his retirement in 1980; and

WHEREAS, Luis Mendive was involved in education for over 30 years and this dedication gained him the respect and admiration of the many pupils whose lives he influenced; and

WHEREAS, Luis Mendive was past President of the Washoe County School Administrators, a member of the Board of Directors of the Nevada State Educational Commission and a member of the Nevada Parent Teacher's Association; and

WHEREAS, He was also a member of both the Reno Men's and Reno Senior's Golf Clubs, past Chairman of the Sparks Civil Service Board, and a member of the Sparks Toastmaster's Club, and he worked with the Sparks Heritage Foundation and Museum; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 67th session of the Nevada Legislature extend their sincere condolences to Luis Mendive's wife and family; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Luis Mendive's wife, Shirley Williams Mendive.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Haller, Evans, Marvel and Dini.

Assemblyman Bache requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. The sum total of a person can hardly be expressed in such a resolution. The influence of Luis Mendive upon the community of Sparks can hardly be transmitted in a few simple words.

Luis Mendive was a basketball coach in Sparks for many years. He was a fierce competitor and a fierce player of the game. Early on in my youth, I had the opportunity to be coached by Luis in a church league. One of the great lessons that he taught me was that it is okay to cry. Now, sometimes that lesson is missed on the male population, or so it is said. He taught me this lesson in a very simple way. We were going to a basketball game. The local town bully, the toughest guy in town, was a member of his varsity basketball team. They had lost a basketball game to Las Vegas. The younger kids in the community had heard that this notorious tough guy had cried. While driving to a basketball game, we asked Luis if this tough guy had cried. Luis did not respond for awhile. Then he said, "You know, he did cry because he recognized it was going to be the last time that he was going to get to play the game. He was not going to get to play basketball any more because he was going to graduate." I suddenly realized how important it was to always be willing to play the game. Indeed, that is what Luis was about. He gave his life to the kids. Everything he did revolved around the kids.

About a month ago, at church, one of my former students, who was going to be my substitute, was talking to me relative to the new assignments they had to complete. On the following week, I asked a kid how she was doing in class. Luis overheard me and reminded me that students at church or anywhere outside of school have a special sanctuary. Teachers are not to pick on students. We do not hold students responsible. It is always important to show the human side of any authority figure. Luis Mendive clearly showed that human side in all of his actions.

One of the more prominent lobbyists in our halls, Mr. Harvey Whittemore, reminded me before I came into the chambers today that if anyone is responsible for many of his outlooks and views, it was Luis Mendive. Please do not hold that against the passage of this resolution. Luis Mendive had a great caring attitude. His impact upon our community and the community's varsity team will be long remembered. This resolution, as presented, is fitting for this chamber to adopt.

ASSEMBLYMAN HALLER:

Thank you, Madam Speaker pro Tempore. I first met Luis in the late 1950s. I became a teacher at his school. It was interesting because the women would stop talking when I would enter the room where we relaxed. I went to Luis and said, "Luis, what is the matter here. The women do not like us men." He said, "They are telling dirty jokes." I liked and loved Luis so much. When he changed schools, I went with him. For 20 years we worked together. He was a great guy.

ASSEMBLYMAN EVANS:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of Assembly Concurrent Resolution No. 60. In every generation in every community, there are a few exceptional individuals who distinguish themselves for giving unselfishly of their time and talent for others. Such was the case with Luis Mendive. As an exemplary educator and civic leader, he will be fondly remembered by the people of Sparks. As we say goodby to Luis, we also say thank you for giving so much to so many.

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of Assembly Concurrent Resolution No. 60. I knew Luis in a little different era, as Luis and I were more or less raised together in Battle Mountain. We went through grammar and high school together. We played on football and basketball teams together and were state champions two or three times.

Unfortunately, during the war we were separated. He went his way and I went mine. Fortunately, we came back to the University of Nevada where we continued our relationship. We were ATO fraternity brothers. Unfortunately, you do lose contact with some of your colleagues, but the nice thing about the State of Nevada is you can still follow the records of a lot of our people. What you heard about Luis from my colleagues who taught with him, will go down in history as a legend in the teaching and coaching professions. My very best wishes to his family.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore. I rise in support of the resolution. I did not know Luis before John Marvel because John is my senior. I became acquainted with Luis in 1946. We were in the same graduating class in 1950 at the University of Nevada, Reno. We got acquainted through athletics and other things on campus. I never did hold against Luis the fact that he was an ATO member. That was another subject matter.

Luis was a person who we knew early in life that he was going to be a person who would develop character among the young people. He chose the right profession. He was the right man at the right time when we had to develop good kids. His record shows that he was able to influence hundreds and hundreds of kids in the Reno and Sparks area.

I remember Jake Lawlor, the immortal coach at University of Nevada, Reno, who said that if he had five Luis Mendives, they would become national champions. That is the way he was. He was a hard driver. He worked hard at everything he did.

He really touched my heart when I met him. We did not talk very often in our careers in the last 40 years, but we knew where each one was. I think this loss is a tremendous loss to the people of our state. His contribution was one where he really did his part in life by helping to make the State of Nevada a better state. He touched so many young people's lives and made them better people. I would like to send my condolences to the family. I know Luis is looking over us saying, "Do not give me too much of this rigmarole here at the Assembly." He certainly was a friend to all of us.

Resolution adopted unanimously.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 60 be immediately transmitted to the Senate.

Motion carried unanimously.

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:33 a.m.

ASSEMBLY IN SESSION

At 11:47 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Joint Resolution No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 621, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Price, Collins, de Braga, Regan, Petrak, Segerblom, Spitler, Arberry, Bennett, Wendell Williams, Bonaventura, Schneider, Anderson, Porter, Bache, Chowning, Haller, Giunchigliani, Myrna Williams, Marvel, Humke, Toomin, Gibbons, Dini, Kenny, Neighbors, Freeman, Sader, Perkins, Evans, McGaughey, Smith, Lambert, Tiffany, Garner, Augustine, Hettrick, Heller, Carpenter, Ernaut and Gregory:

Assembly Bill No. 663—An Act relating to public works; providing for a preference in the hiring for public works for certain state residents; repealing an inconsistent preference in hiring; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Freeman:

Assembly Bill No. 664—An Act relating to elections; requiring the secretary of state to establish a program for the publication and distribution in certain districts of a voter's pamphlet for the general election in 1994; making a contingent appropriation to the secretary of state; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblymen Arberry, Augustine, Bennett, Bache, Porter, Sader and Price:

Assembly Bill No. 665—An Act relating to highways; requiring the department of transportation to establish a system of emergency telephones along the most frequently traveled public highways; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Arberry:

Assembly Bill No. 666—An Act relating to public utilities; allowing a public utility to file with the public service commission of Nevada a statement of expenses related to the filing of an application for an increase in

any rate, fare or charge; requires the commission to allow the public utility to recover certain expenses; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 667—An Act relating to claims against the state; requiring a prisoner or former prisoner to exhaust his administrative remedies before proceeding with an action against the state to recover compensation for the loss of his personal property; revising the procedures by which a prisoner or former prisoner may file an administrative claim against the department of prisons to recover such compensation; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 378.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 494.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 435.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

"Section 1. Chapter 90 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *"Securities exchange" means any organization, association or group of persons, incorporated or unincorporated, located within this state which constitutes, maintains or provides a marketplace, facilities or electronic communications equipment for bringing together purchasers and sellers of securities or for otherwise performing with respect to securities the functions commonly performed by a stock exchange as that term is generally understood. The term includes the marketplace, facilities and electronic communications equipment used by such an exchange.*

Sec. 3. *1. Except as otherwise provided in subsection 2, a person shall not operate a securities exchange in this state unless it has been registered with the securities division.*

2. A securities exchange which is registered with the United States Securities and Exchange Commission is exempt from the requirements for registration set forth in this section.

3. The administrator shall adopt regulations necessary to carry out the provisions of this section, including regulations prescribing:

(a) The fees for the registration of a securities exchange; and

(b) The bonding and minimum capitalization requirements for a securities exchange.

4. The administrator shall investigate the qualifications of each person who applies to the securities division for the registration of a securities exchange. The person shall pay the cost of the investigation.

5. The administrator may deny, suspend or revoke the registration of a securities exchange if the administrator determines that such action is in the public interest and any of the provisions of subsection 1 of NRS 90.420 are applicable to the person who applied for the registration of a securities exchange.

Sec. 4. *A broker-dealer or his representative shall not use a securities exchange to effect or report any transaction concerning a security unless the securities exchange is registered with the securities division or is exempt from the requirements for registration pursuant to section 3 of this act.*

Sec. 5. *NRS 90.211 is hereby amended to read as follows:*

90.211 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 90.215 to 90.305, inclusive, and section 2 of this act, have the meanings ascribed to them in those sections.".

Amend the title of the bill to read as follows:

"An Act relating to securities; authorizing the administrator of the securities division of the office of the secretary of state to register securities exchanges located in this state; requiring the administrator to adopt regulations relating to the registration of those exchanges; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides for registration of securities exchanges located in Nevada. (BDR 7-1519)".

Assemblyman Sader moved that Assembly Bill No. 494 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 77.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 434.

Amend section 1, page 1, by deleting lines 17 and 18 and inserting:

"[(g) Loiters]

(f) Loiter in or about any toilet open to the public for the purpose of".

Amend section 1, page 1, line 20, by inserting an open bracket before "(h)".

Amend section 1, page 2, by deleting lines 5 through 20 and inserting:

"(j) Lodges]

(g) Lodge in any building, structure or place, whether public or private,".

Amend section 1, page 2, line 37, by deleting "*(i),*" and inserting "*(g),*".

Amend sec. 2, page 3, by deleting line 10 and inserting: "*loitering and prowling ordinances.*".

Amend sec. 3, page 3, by deleting line 25 and inserting: "*loitering and prowling ordinances.*".

Amend sec. 4, page 3, line 30, by deleting: "*vagrancy and loitering*" and inserting: "*loitering and prowling*".

Amend the title of the bill, first line, by deleting "loitering" and inserting "loitering, prowling".

Amend the summary of the bill, first line, by deleting "loitering" and inserting "loitering, prowling".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 300.

Bill read third time.

Remarks by Assemblymen Augustine and Toomin.

Roll call on Assembly Bill No. 300:

YEAS—39.

NAYS—Collins.

Absent—McGaughey, Scherer—2.

Assembly Bill No. 300 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 20.

Resolution read third time.

Remarks by Assemblyman Evans.

Roll call on Assembly Joint Resolution No. 20:

YEAS—40.

NAYS—None.

Absent—McGaughey, Scherer—2.

Assembly Joint Resolution No. 20 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 343.

Bill read third time.

Remarks by Assemblymen Segerblom, Arberry and Evans.

Assemblyman Arberry moved that Senate Bill No. 343 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried on a division of the house.

Senate Bill No. 344.

Bill read third time.

Remarks by Assemblymen Bache, Price, Haller, Giunchigliani, Collins, Regan and Smith.

Assemblyman Ernaut requested that Assemblyman Collins' remarks be entered in the Journal.

Thank you, Mr. Speaker. I, also, rise in support of this legislation. I might give you an example of having 2,000 employees throughout the United States and you have maybe six of those employees within the State of Nevada. You are interfering with private enterprise to create a separate payroll system for just a couple of employees out of the whole United States. This is very simple and clean legislation. It is appropriate, especially for those people who are encouraging jobs in the economy to come to the State of Nevada. Thank you.

Assemblymen Porter, Marvel and Garner moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 344.

Roll call on Senate Bill No. 344:

YEAS—37.

NAYS—Chowning, Haller, Price—3.

Absent—McGaughey, Scherer—2.

Senate Bill No. 344 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 25.

Resolution read third time.

Remarks by Assemblyman Porter.

Roll call on Senate Joint Resolution No. 25:

YEAS—32.

NAYS—Carpenter, Gibbons, Heller, Hettrick, Humke, Perkins, Price, Mr. Speaker—8.

Absent—McGaughey, Scherer—2.

Senate Joint Resolution No. 25 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 582, 588, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 3, 94, 291, 337, 416, 422, 429, 470, 489; Assembly Joint Resolutions Nos. 7, 16, 23.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Shirley Mendive, Lucy Mendive, Taryn Mendive, Kara Mendive, Melena Mendive, Shirley Williams, Monica McMullan, Carmen Mendive-Jones, Bonnie Monahan, Marcia Chelf, Marcia Williams, Laura Williams-Gingerich, Kim Santolucito, Megan McMullan, Angela Monahan, Messrs. Lyle Mendive, Dawson Mendive, Paul Mendive, Bert Cooper, Randy Williams, Peter McMullan, Darryl Monahan, John Dorf, John Borda, David Mendive, Wayne Chelf, Derek Chelf, Kenton Chelf, Scott Williams, Lee Santolucito, Jeff Santolucito and Luke McMullan.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Barbara Buckley.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. James McGuinness and Ms. Candace Murphy.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Frances Doherty, Janet Basso, Michelle Leonard, Jodi Fayle, Sid Fielding, Karla Hansen, Karen Hewko, Caroline Hilton, Sandy Salisbury, Laurie Zeman, Janet Basso, Rosemary Stephenson, Messrs. Richard Roberts, Thomas Bath, Alan Gubler, Robert Sedlacek, Murray Hewko, Mark Dolezal, Gary Leonard and the following students from White Pine Middle School, Ely: Jacob Ahlvers, Leevi Ahlvers, Leslie Alworth, Lacretia Apodaca, Lisa Ashby, William Auborn, Sean Basso, Thomas Bath, Eric Bayles, Amber Beckwith, Shannon Beehler, Loren Bettridge, Walter Bohrn, Brandi Brereton, Jamey Brown, Misty Brown, Thomas Brunson, Amy Crane, Christiann Ewell, Amie Farnsworth, Jennifer Fayle, Amber Fielding, Janell Fielding, Jared Fisher, Lyndsay Fonger, Ryan Fullerton, Nicholas Garcia, Angie Gianoli, Eric Griffith, Brandie Grimes, Chellie Gubler, Kathy Hall, Kyra Hansen, Christian Heinbaugh, April Hendrix, Amy Hewko, Burton Hilton, Joshua Hulverson, Jaramie Hutchinson, Eric Jackson, Jason Johnson, Chris King, Jay Larsen, Chris Ledbetter, Jaime Levie, Justin Manning, Brendon Martinez, June Mays, Andrea McGuire, Kristy McNutt, Robert Meyers, Felicia Miller, John Nakashima, Theresa Nelson, Vanessa Nelson, Jamie Neva, Tammy Nielsen, Jenny Nolan, Melissa Olsen, Carri Pintar, Teresa Plunkett, Cassandra Podborny, Cody Pritchett, Ande Redmond, Seamas Redmond, Stephen Relaford, Ross Rivera, Ricky Roberts, Lee Robertson, Jennifer Rowley, Jose Sandoval, Angel Schisler, Chris Schultz, Joe Sedlacek, Eric Skye, David States, Derek Stewart, Shane Stokes, Erik Thibodeaux, Justin Tubbs, Renata Turk, Cy Vlahos, Aaron Walker, Sheila Williams, Courtney Young, Wendy Young, Brandi Zehr and Shasta Zeman.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Melissa Hahn.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Steve Mack.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Estella Southwood.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Monte Fast, Mss. Anne Godfrey, Cheryl Anderson and the following students from G. L. Scarselli Elementary School, Gardnerville: John Alcantara, Kathryn Allen, Paul Berendse, Crystal Blankenship, Tracey Campbell, Alexis Drange, Jessica Drinnon, Heather Fitzgerald, Richard French, Gabriela Fuentes, Katie Gerard, Jason Gurzi, Kimberly Johnson, Jeremy Koury, Meghan Krueger, Frankie Lococo, Sean Maxey, Ryan Mills, Heather Montanaro, Jeffery Peden, Amanda Pratt, Courtney Ristuben, Sandy Higgins, Blair Shupe, Lisa Stanley, Mark Stanley, Jason Sussberg, Marshall Wright, Simon Almeida, Jamie Apple, Candice Beam, Nicole Black, Alicia Burns, Christi Burruel, Christopher Cloutier, Brian Deem, Lindsay Dimitri, Landon Fernandez, Joseph Ferris, Scott Forrester, Ryan Ghan, James Jackson, Karen Lamb, Airiel MacQuelin, Danielle Michel, Derek Prosser, Mario Quiroga, Risa Rodriguez, Luke Sigler, Julia Spaulding, Anneke Steenbakkers, Natalie Stratton, Kyle Wentz, Skyler Woodrome, Erica Zelenski and Sean Kollar.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Liz Quillin and Terrie Stanfill.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Bernadette Harry, Judy Carlile, Rhonda Mosley, Lori Robertson, Cheryl Hicks, Vicki Warner-Huggins, Ann Barlese, Cecelia Smith and Karole McQueen and the following students from Natchez School, Wadsworth: Rachelle Auguh, Loryn Barlese, Tyler Ceja, Cyrus Davis, Jr., Kyle Davis, Trevor Dunn, Sharla Florez, Tara Garfield, Sky Light, Vincent Lowery, Mark Mix, Jr., Melinda Mosley, James Robertson, Seneca Scott, Donna Shaw, Johanna Thomas, Christopher Wadsworth, Alexandra Wasson, Martin Williams, Nikki Williams, Danina Smith, Troy Dynes, Lionel Crutcher, Savannah Ely, Minda Fels, Craig Harry, Troy Hicks, Twila Jim, Arianna Kelly, Jeffrey Lowery, Todd Pancho, Claudia Pete, Teresa Royer, Anthony Sampson, Dana Thomas, Lisa Thomas and Jessica Warf.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. William Cottrell and Ms. Janice Cordrey.

On request of Assemblyman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Michael Bender and Ms. Carole Allison.

On request of Assemblyman Toomin, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Armando Leita.

Assemblyman Porter moved that the Assembly adjourn until Monday, May 24, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:22 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-SEVENTH DAY

CARSON CITY (Monday), May 24, 1993

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Scherer, who was excused.

Prayer by the Chaplain, The Reverend Elaine Morgan.

Come, Holy Spirit, come. Endow each of us with Your gifts of wisdom, understanding and discernment. Give us the power to do right and the strength to do good. Enable us to care for the rights of the individual and the welfare of the great State of Nevada. All praise and thanksgiving to You, Heavenly Spirit. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 33, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 547, 620, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 152, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Concurrent Resolution No. 55, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 369, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN EVANS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 343 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 21, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 60.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 207, 246, 407, 456.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 55.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblyman Evans.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen McGaughey, Bache, Toomin, Kenny, Giunchigliani, Schneider, Carpenter, Haller, Collins, Regan, Marvel, Gregory, Petrak, Segerblom, Smith, Evans, Price, Anderson, Chowning and Lambert:

Assembly Bill No. 668—An Act relating to protection from fire; requiring interlocal agreements for the mutual cooperation of fire departments in large counties; providing for the merger of fire departments in the largest counties; prescribing the powers and duties of a fire department resulting from such a merger; and providing other matters properly relating thereto.

Assemblyman McGaughey moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen McGaughey, Tiffany, Hettrick, Bache, Toomin, Kenny, Giunchigliani, Schneider, Ernaut, Carpenter, Haller, Collins, Regan, Marvel, Gregory, Augustine, Petrak, Segerblom, Smith, Evans, Price, Anderson, Chowning, Garner and Lambert:

Assembly Bill No. 669—An Act relating to real property; defining certain terms relating to title insurance; making various changes to relating to escrow and the transfer of title to real property; providing a penalty; and providing other matters properly relating thereto.

Assemblyman McGaughey moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Marvel, Hettrick, Carpenter, Neighbors, de Braga and Dini:

Assembly Bill No. 670—An Act relating to housing authorities; reorganizing the Nevada housing authority; clarifying the applicability of certain statutes to the Nevada rural housing authority; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 207.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 246.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 407.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 456.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 135.

Bill read second time.

The following amendment was proposed by the Committee on Labor and Management:

Amendment No. 564.

Amend section 1, page 1, line 7, by deleting the bracket.

Amend section 1, pages 1 and 2, by deleting lines 14 through 25 on page 1 and lines 1 through 34 on page 2, and inserting:

"(b) [Subject to the provisions of subsection 5, furnish] *Furnish* him with a copy of those records.

The records to be made available do not include confidential reports from previous employers or investigative agencies or information concerning the investigation, arrest or conviction of that person for a violation of any law.

2. *The employer shall allow the employee to submit a reasonable written response or explanation to any written entry in the employer's record of employment regarding the employee. Any such written response or explanation must be included and maintained by the employer in the record of employment.*

3. *Unless otherwise authorized by a negotiated agreement, an employer shall not maintain a secret record of employment regarding an employee.*

4. Upon termination of employment, the employer shall allow the employee to inspect those records within 60 days after his termination of employment and [, subject to the provisions of subsection 5,] shall, if requested by that former employee within that period, furnish him with a copy of those records.

[3.] *5.* The employer or labor organization may only charge that person an amount equal to the actual cost of providing access to and copies of those records.

[4.] *6.* The employee or person referred shall, if he contends that any information contained in the records is inaccurate or incomplete, notify his employer or the labor organization in writing of his contention. If the employer or organization finds that the contention of that employee or person is correct, it shall change the information accordingly.

[5. No copies may be furnished to an employee or former employee under this section unless he has been or was employed for more than 60 days.]

7. An employer who violates a provision of this section may be assessed an administrative fine by the labor commissioner of not more than $500 for each such violation.".

Amend the title of the bill to read as follows:

"An Act relating to employment practices; authorizing an employee to submit written material for inclusion in his record of employment; prohibiting the maintenance of a secret record of employment; providing an administrative penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions regarding employment records. (BDR 53-7)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 488.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 584.

Amend sec. 2, page 1, by deleting lines 5 and 6 and inserting: "*for the commutation of the sentence of a prisoner who is:*

(a) In ill health and expected to die within 12 months, but does not presently, nor will he likely in the future, pose a threat to society; or

(b) Physically incapacitated to such a degree that he does not presently, nor will he likely in the future, pose a threat to society.".

Amend sec. 2, page 1, line 8, after "*imprisonment*" by inserting "*for life*".

Amend sec. 2, page 1, line 10, by deleting "*physicians,*" and inserting: "*physicians licensed pursuant to chapter 630 of NRS,*".

Amend sec. 2, page 1, line 13, after "*does not*" by inserting: "*presently, nor will he likely in the future,*".

Amend sec. 2, page 1, by deleting lines 16 and 17 and inserting:

"*(a) A review of the prisoner's social and criminal history;*

(b) A plan for the prisoner's release; and

(c) The prisoner's medical records.

4. The request must be accompanied by an affidavit by the director that, in his opinion, the prisoner if released does not presently, nor will he likely in the future, pose a threat to society.

5. The plan for the prisoner's release must include at least:

(a) An assignment to a social worker employed by the prison.

(b) A determination of the level of care required and the financial resources available to the prisoner and his relatives.

(c) If the prisoner has no relatives available for assistance, the plan must include a statement regarding the availability of hospice or other appropriate care and the initiation of appropriate public financial support for such a placement.

(d) A statement of the transportation which will be needed by the prisoner to arrive at the planned location for care.

(e) A statement of the procedures which will be used to monitor:

(1) The prisoner's compliance with the plan; and

(2) The health of the prisoner until his death.".

Amend sec. 3, page 2, line 1, by deleting "*and*".

Amend sec. 3, page 2, by deleting line 2 and inserting:

"*(f) The prisoner's medical records; and*

(g) The verified statements of at least two physicians licensed pursuant to chapter 630 of NRS, one of whom is not".

Amend sec. 3, page 2, line 5, after "*does not*" by inserting: "*presently, nor will he likely in the future,*".

Amend sec. 3, page 2, by deleting lines 9 and 10 and inserting: "*application upon the district attorney, one copy upon the district judge who sentenced the prisoner, or the judge's successor, and, if the plan for release anticipates that the prisoner will reside in Nevada upon his release, one copy upon the board of county commissioners of the county of his planned residence. The director shall also retain a copy*".

Amend sec. 3, page 2, line 13, after "*shall*" by inserting: ", *not later than 20 days before the date set for the meeting or poll,*".

Amend sec. 3, page 2, line 15, after "*If*" by inserting: "*no written request is made or*".

Amend sec. 3, page 2, line 18, after "*the board*" by inserting: "*not later than 7 days*".

Amend sec. 4, page 2, line 25, by deleting: ", *within that period,*".

Amend sec. 4, page 2, line 27, after "2." by inserting: "*Before a poll may be taken pursuant to subsection 1, the secretary shall, in accordance with NRS 241.020, give written notice at least 15 working days before the poll. The notice must include:*

(a) The time of the poll.

(b) The place and location where the public may attend and listen to the poll.

(c) The subject of the poll, including the name of the prisoner who will be considered.

(d) A statement of the manner in which related written public comment will be transmitted to the board before a poll is taken.

3.".

Amend the bill as a whole by adding new sections designated sections 8 and 9, following sec. 7, to read as follows:

"Sec. 8. The director of the department of prisons shall, on or before January 15, 1995, submit a report to the director of the legislative counsel bureau for transmission to the senate standing committee on finance and the assembly standing committee on ways and means regarding the cost-effectiveness of the program established pursuant to sections 2, 3 and 4 of this act for the commutation of the punishment of prisoners who are terminally ill or physically incapacitated.

Sec. 9. This act becomes effective on July 1, 1993.".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 582.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 588.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 621.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 568.

Amend the bill as a whole by adding a new section, designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective upon passage and approval.".

Amend the title of the bill, first line, by deleting "repealing" and inserting "deleting".

Amend the summary of the bill, first line, by deleting "Repeals" and inserting "Deletes".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 30.

Resolution read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 32.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 30.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 489.

Amend section 1, page 1, by deleting lines 7 and 8 and inserting: "required by that claim.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 145.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 559.

Amend section 1, page 1, by deleting lines 8 through 18 and inserting:

"2. *If an ordinance adopted pursuant to subsection 1 involves or affects agricultural operations, any plan or program to effectuate that ordinance must allow for customarily accepted agricultural practices to occur on agricultural land. A governmental entity which is considering the adoption of such a plan or program shall consult with the state department of agriculture or local conservation districts to determine what customarily accepted agricultural practices may be affected by the proposed plan or program.*".

Amend sec. 2, page 2, by deleting lines 6 through 15 and inserting:

"2. *If an ordinance adopted pursuant to subsection 1 involves or affects agricultural operations, any plan or program to effectuate that ordinance must allow for customarily accepted agricultural practices to occur on agricultural land. A governmental entity which is considering the adoption of such a plan or program shall consult with the state department of agriculture or local conservation districts to determine what customarily accepted agricultural practices may be affected by the proposed plan or program.*".

Amend the title of the bill, first line, by deleting "reasonable" and inserting "customary".

Amend the summary of the bill, first line, by deleting "reasonable" and inserting "customary".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 175.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 175:

YEAS—40.
NAYS—Carpenter.
Absent—Scherer.

Assembly Bill No. 175 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 176.

Bill read third time.

Remarks by Assemblymen Anderson and Chowning.

Roll call on Assembly Bill No. 176:

YEAS—40.
NAYS—Gibbons.
Absent—Scherer.

Assembly Bill No. 176 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 235.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 235:

YEAS—41.
NAYS—None.
Absent—Scherer.

Assembly Bill No. 235 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 464.

Bill read third time.

Remarks by Assemblymen Smith, Carpenter, Sader, Chowning and Anderson.

Roll call on Assembly Bill No. 464:

YEAS—20.

NAYS—Anderson, Augustine, Bache, Carpenter, Collins, de Braga, Ernaut, Freeman, Giunchigliani, Heller, Hettrick, Kenny, Lambert, McGaughey, Neighbors, Price, Segerblom, Spitler, Tiffany, Myrna Williams, Wendell Williams—21.

Absent—Scherer.

Assembly Bill No. 464 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Senate Bill No. 343.

Bill read third time.

Remarks by Assemblymen Segerblom and Carpenter.

Roll call on Senate Bill No. 343:
YEAS—41.
NAYS—None.
Absent—Scherer.

Senate Bill No. 343 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 66 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 66.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 579.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Section 11 of chapter 353, Statutes of Nevada 1991, at page 921, is hereby amended to read as follows:

Sec. 11. 1. This act becomes effective on July 1, 1991.

2. [The amendatory provisions of this act expire by limitation on June 30, 1995.

3.] The programs required to be established pursuant to sections 1 and 8 must be operational on or before January 1, 1992.".

Amend the title of the bill to read as follows:

"An Act relating to alternative methods of resolving disputes; authorizing a board of county commissioners to authorize a neighborhood justice center to charge a fee for certain services; extending the program in certain counties that requires the mediation of cases involving custody or visitation of a child; extending the program that requires the establishment of neighborhood justice centers in larger counties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to alternative methods of resolving disputes. (BDR 20-217)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Giunchigliani moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:51 a.m.

ASSEMBLY IN SESSION

At 12:06 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Joint Resolution No. 21 of the 66th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 314, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 671—An Act relating to industrial insurance; revising the manner in which the manager of the state industrial insurance system identifies employers for a mandatory consultation concerning safety; revising the manner in which premium rates are calculated for certain employers; prohibiting the system from insuring certain employers; requiring those employers to become self-insured or to prepay the actual and anticipated cost of their employee's accident benefits and compensation; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 672—An Act relating to the department of industrial relations; providing in skeleton form for the reorganization of the department; changing the name of the department's advisory council to the board of industrial regulation; providing for the membership of the board; giving certain additional powers and duties to the board; authorizing the division of administrative services and industrial insurance regulation to certify self-insured employers; limiting the application of the subsequent injury fund to self-insured employers; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 673—An Act relating to contractors; requiring the state contractors' board to suspend the license of a contractor upon a finding that the contractor failed to maintain a satisfactory record of safety in the

workplace; requiring the state contractors' board to adopt regulations which prescribe the requirements relating to a satisfactory record of safety in the workplace; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 674—An Act relating to massage establishments; prohibiting a county or city from prohibiting a person who is otherwise authorized to perform massages from performing a massage on a person of the opposite sex in a massage establishment; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 675—An Act relating to the City of Las Vegas; making various changes to the city charter; revising the duties of the city manager; revising the dates for municipal elections; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 676—An Act relating to taxation; imposing and prospectively increasing a state tax on property for the support of public schools; concurrently reducing the Local School Support Tax; removing the limit on the revenues of local governments from taxes ad valorem; revising the provisions governing the distribution of the supplemental city-county relief tax; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Joint Resolution No. 3.

The following Senate amendment was read:

Amendment No. 462.

Amend the resolution, page 2, line 24, by deleting "land;" and inserting: "land without further detriment to the environment by establishing priorities through its individual parcel evaluation system;".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Joint Resolution No. 3.

Remarks by Assemblyman Garner.

Motion carried.

Resolution ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 236, 254, 525; Senate Concurrent Resolution No. 38.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Augustine, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Denise Fisher.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Julie McKinnon.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Gerard Wheeler.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jane Seaborn.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Don McNeill.

On request of Assemblyman Regan, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. James Bell and Terry Connolly.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jay Walters.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Elizabeth Stoneman.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, May 25, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:15 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-EIGHTH DAY

CARSON CITY (Tuesday), May 25, 1993

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Kenny and Scherer, who were excused.

Prayer by the Chaplain, The Reverend Elaine Morgan.

Dear Father of all, as this body comes together for another day's work, be present to each person. Create a new heart in each individual so that response to each issue and to each other is one of understanding and servanthood as members strive to provide for the people and State of Nevada. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 24, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 199 and requests a conference, and appointed Senators James, McGinness and Shaffer as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 27.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 473.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 393, 400.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 242.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bills Nos. 238, 321.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Anderson, Dini, Evans, Gibbons, Gregory, Heller, Bache, Porter, Arberry, Ernaut, Collins, Hettrick, Carpenter, Petrak, Regan, Segerblom, Neighbors, Bonaventura, Giunchigliani, Haller, Tiffany, Bennett, Augustine, de Braga, Toomin, Scherer, Lambert, McGaughey, Freeman, Wendell Williams, Spitler, Chowning, Kenny, Perkins, Marvel, Price, Smith, Garner, Humke, Myrna Williams and Sader:

Assembly Concurrent Resolution No. 61—Memorializing the former coach at Sparks High School, Edwin "Tip" Whitehead.

WHEREAS, It is with sorrow and regret that the members of the 67th session of the Nevada Legislature note the passing of Edwin "Tip" Whitehead on November 18, 1991; and

WHEREAS, Edwin Francis Whitehead was born in Goldfield, Nevada, on April 28, 1908, to John and Josephine O'Brien Whitehead; and

WHEREAS, Edwin Whitehead attended the University of Nevada, Reno, from 1925 to 1928, where he played basketball for 3 years and was the quarterback for the football team for two seasons; and

WHEREAS, In 1977, in honor of his outstanding athletic ability, Edwin "Tip" Whitehead was inducted into the Athletic Hall of Fame at the University of Nevada, Reno; and

WHEREAS, After graduation from college in 1930, Edwin "Tip" Whitehead began his 50-year career in education at Fernley High School, coaching the Vaquero basketball team for 7 years and leading the team to the "B" Division state championship in 1937; and

WHEREAS, In 1938, Edwin "Tip" Whitehead moved to Sparks where he coached the football, basketball and track teams for 11 years at Sparks High School, leading the "Railroaders" football team to a 1948 state championship; and

WHEREAS, Edwin "Tip" Whitehead continued in education as a principal at Sparks High School for the next 10 years until 1958 when he returned to the classroom to teach for another 12 years until his retirement in 1970; and

WHEREAS, As a tribute to the many years he spent improving the sports program at Sparks High School, the football field was renamed "Tip Whitehead Field" on November 3, 1961; and

WHEREAS, Edwin "Tip" Whitehead was a member of the Washoe County Teachers Association, National Retired Teachers Association, Sparks Heritage Group, University of Nevada Block N Society, Tau Omega Fraternity and Holy Cross Catholic Church; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 67th session of the Nevada Legislature do hereby pay tribute to the memory of Edwin "Tip" Whitehead, a man who dedicated 50 years toward the betterment of students as a coach, teacher, principal and, most importantly, friend; and be it further

RESOLVED, That this legislative body extends its heartfelt sympathy to the family of Edwin "Tip" Whitehead; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Edwin "Tip" Whitehead's wife, Gretchen Whitehead, and their daughter, JoAnn West.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Gibbons and Mr. Speaker.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. Edwin "Tip" Whitehead is one of those legends of Nevada that happened to reside in Sparks. Sparks was lucky to have him. He was the type of educator who cared most about children and what they did. He expressed that throughout his life.

Growing up in a small community like Sparks meant that you had to work together to accomplish anything. "Tip" Whitehead clearly demonstrated that in his coaching ability and as an educator, continuing as an educator, the importance and the inter-relationship between what happens on the playing field and what happens in the classroom.

"Tip" gained his name from the World War I song, "It's a Long Way to Tipperary," which he would constantly whistle. He was the star at the University of Nevada in the

1920s as the quarterback, often playing without a helmet. It did not seem to diminish his educational capacity. He recognized the importance of participating in the game. He continued to emphasize excellence in his major field of education and with all the people he dealt with in our community.

For me, as a young man growing up in Sparks, he represented one of the three pillars of education. He clearly showed that you could accomplish anything through education. I ask for the adoption of this resolution.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. I, too, rise in support of this resolution. I knew "Tip" both as a coach and as a student in Sparks High School. I can remember a great deal about "Tip" including the time he threw the chalk eraser at me in school for talking during a lecture.

"Tip" epitomized, as my colleague from Sparks has said, the greatest in all teachers and educators. He was a compassionate man. He was a father to all of us as students who attended his class or were his students in the sports arena. I can see his face today. I hope that 30 years from now I will always remember "Tip" the way I do today, with fond and loving memories. Thank you.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

With the permission of the house, I would like to say a couple of words. In my era of high school, "Tip" Whitehead was the Sparks High School Coach. During World War II, Yerington had a magnificent high school population of 100 students during my senior year. Sparks probably had 200 or 300 students. There was ferocious competition between all the schools. There wasn't a AA or AAA. It was all one division. You stood up to the bigger high schools.

"Tip" brought to us a great sense of competition. He was a strong competitor. Of course, he had a lot of Italian kids attending high school in Sparks at that time. That is why he was so successful at coaching, because he had those boys playing for him. During the university years, I became acquainted with him. He made a life-long impression on me. We are going to miss him.

Resolution adopted unanimously.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 61 be immediately transmitted to the Senate.

Motion carried unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Bill No. 531, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 540, 627, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 290, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bill No. 192; Senate Bills Nos. 67, 314, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Concurrent Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bill No. 503; Senate Bill No. 69, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 359, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

REMARKS FROM THE FLOOR

Assemblyman Freeman requested that her remarks be entered in the Journal.

Thank you, Mr. Speaker. I have here a proclamation that will be issued by the Governor today. It regards the issue of missing children in the United States. In Washoe County, a coalition of various public agencies have gotten together and formed a team to address the issues of missing children and their families. The proclamation is rather long. I have asked the Chief Clerk to please read it and enter it into the record this legislative day.

STATE OF NEVADA

A PROCLAMATION BY THE GOVERNOR

Whereas, every 40 seconds a child becomes missing or abducted in the United States, representing over one million children who disappear each year, and the plight of these children is of vital concern to our community; and

Whereas, every missing child is an endangered child, vulnerable to physical, psychological and emotional abuse and exploitation, and the successful prevention, location, recovery and reunification of missing children and their families relies on public awareness and community involvement; and

Whereas, the Washoe County Missing and Exploited Children Comprehensive Action Program (WCM/CAP) team was established on May 22, 1992, to serve as a community-based multi-disciplinary, interagency, case and services management system to address the needs of Washoe County's missing children and their families; and

Whereas, the agencies participating on the Washoe County M/CAP team include Children's Cabinet, Child Assault Prevention, Court Appointed Special Advocates, Reno Police Department, Mental Health Professionals, Sparks Police Department, Washoe County Child Sexual Abuse Investigation Team, Washoe County District Attorney's Office, Washoe County District Court-Juvenile and Family Courts, Washoe County Juvenile Probation, Washoe County School District, Washoe County Social Services/ Child Protection Services and Washoe County Sheriff's Offices; and

Whereas, the Washoe County M/CAP team has established an annual Child Identification Event to provide all children and all families of our community with a comprehensive identification packet to assist and inform if a child is missing in Washoe County; and

Whereas, the Washoe County M/CAP team has initiated a Nevada Missing Children's Day to coincide with National Missing Children's Day on May 25 of each year to generate public awareness, support and active community involvement in reducing the number of missing children in our community;

NOW, THEREFORE, I, BOB MILLER, GOVERNOR OF THE STATE OF NEVADA, do hereby proclaim May 25, 1993, as

MISSING CHILDREN'S DAY

in Nevada, and I encourage everyone to participate in this day and all year long by supporting the Washoe County M/CAP team in its efforts to keep Washoe County—and Nevada—children safe and secure.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 24th day of May in the year of Our Lord one thousand nine hundred and ninety three.

BOB MILLER, *Governor*

Attest: CHERYL LAU, *Secretary of State*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 11.

Assemblyman Wendell Williams moved the adoption of the resolution.

Remarks by Assemblymen Wendell Williams and Price.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 393.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 400.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 473.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 33.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 152.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 496.

Amend section 1, page 1, line 2, by deleting: "2 and 3" and inserting: "2, 3 and 3.5".

Amend the bill as a whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:

"Sec. 3.5. *The governing body of a county may approve the issuance of bonds for a project for affordable housing or for any form of residential housing for the purposes of a corporation for public benefit only if:*

1. The population of the county is 100,000 or more;

2. The amount of the bonds to be issued is less than $15,000,000;

3. An independent consultant hired by the governing body has reported favorably on the financial feasibility of the project;

4. The bonds will be sold to not more than 10 investors, each of whom certifies that he:

(a) Has a net worth of $500,000 or more; and

(b) Is purchasing the bonds for investment and not for resale; and

5. The issuance of the bonds is approved by the state board of finance, unless the amount of the bonds to be issued is $5,000,000 or less.".

Amend sec. 8, page 4, line 10, by deleting "*a corpo-*".

Amend sec. 8, page 4, by deleting line 11 and inserting: "*the obligor with respect to a project described in section 3.5 of this act,* the owner of a".

Amend sec. 9, page 4, line 44, by deleting: "10 and 11" and inserting: "10, 11 and 11.5".

Amend the bill as a whole by adding a new section designated sec. 11.5, following sec. 11, to read as follows:

"Sec. 11.5. *The governing body of a city may approve the issuance of bonds for a project for affordable housing or for any form of residential housing for the purposes of a corporation for public benefit only if:*

1. The population of the city is 20,000 or more;

2. The amount of the bonds to be issued is less than $15,000,000;

3. An independent consultant hired by the governing body has reported favorably on the financial feasibility of the project;

4. The bonds will be sold to not more than 10 investors, each of whom certifies that he:

(a) Has a net worth of $500,000 or more; and

(b) Is purchasing the bonds for investment and not for resale; and

5. The issuance of the bonds is approved by the state board of finance, unless the amount of the bonds to be issued is $5,000,000 or less.".

Amend sec. 16, page 7, line 14, by deleting: "*a corporation for*".

Amend sec. 16, page 7, by deleting line 15 and inserting: "*the obligor with respect to a project described in section 11.5 of this act,* a health and care facility or".

Amend the title of the bill, first line, after "authorizing" by inserting "certain".

Amend the summary of the bill, first line, after "Allows" by inserting "certain".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Taxation.

Assembly Bill No. 547.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 536.

Amend section 1, page 1, line 5, after "*government.*" by inserting: "*The governor may accept gifts, grants and bequests of money, service or property from public and private sources to carry out the provisions of this section.*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 620.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 562.

Amend sec. 2, page 1, line 18, by deleting "*administrator*" and inserting: "*state environmental commission*".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 369.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 21 of the 66th Session.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 77.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Assembly Bill No. 77:

YEAS—38.

NAYS—Collins, Price—2.

Absent—Kenny, Scherer—2.

Assembly Bill No. 77 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 314.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 586.

Amend sec. 3, page 3, by deleting lines 1 through 4 and inserting:

"4. *If a hearing is held regarding an application, the decision of the state engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling.* The rejection or approval of an application must be endorsed".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 582.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Assembly Bill No. 582:

YEAS—40.

NAYS—None.

Absent—Kenny, Scherer—2.

Assembly Bill No. 582 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 588.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 588:

YEAS—39.

NAYS—Collins.

Absent—Kenny, Scherer—2.

Assembly Bill No. 588 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 30.

Resolution read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Assembly Joint Resolution No. 30:

YEAS—40.

NAYS—None.

Absent—Kenny, Scherer—2.

Assembly Joint Resolution No. 30 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 32.

Resolution read third time.

Remarks by Assemblyman Spitler.

Roll call on Assembly Joint Resolution No. 32:
YEAS—40.
NAYS—None.
Absent—Kenny, Scherer—2.

Assembly Joint Resolution No. 32 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Sader, Gregory and Porter as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 199.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Sader moved that the Assembly do not recede from its action on Senate Bill No. 321, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Sader.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Porter, Toomin and Carpenter as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 321.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Joint Resolution No. 3; Assembly Concurrent Resolution No. 60; Senate Bills No. 242, 344; Senate Joint Resolution No. 25.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Orval Grundy, Manuel Barcellos, Richard Davis, Arnold Martin, Francis Matheus, Mss. Marie Grundy, Tess Barcellos, Valaree Newcombe, Olive Alpers, Louise Linn, Mildred Martin and Phyllis Matheus.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Gretchen Whitehead, JoAnn West, Rhonda McDonald, Sunny Corrao, and Mr. Neil West.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Yolanda Arrington.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Kristi Frank.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Maureen Harmon and Stacey Hettrick.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Molly Kieser, Mr. Ed Pfeiffer and the following students from Cashman Middle School, Las Vegas: Melissa Andrews, Laura Baird, Dana Brant, Melissa Cabrero, Tiffany Charles, Kim Corey, Kim Damsz, Stephanie Deardorf, Adam Funk, Talle Harris, Katie Hinckley, Brent Hinckley, Stephanie Italiano, Michelle Larson, Jennifer Marsala, Norma Mayer, Carolyn Minard, Elaina Paladino, Christine Perry, Lauren Phillips, Carrie Ransom, Amanda Ririe, Sophia Salas, Randi Seif, Andrew Stewart, Jaime Sygitowicz, Chris White, Nadia Wiechman and Lisa Marish.

On request of Assemblyman Regan, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Camille Graves.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Valrey Koltsov, Juzhno Zaozersky and Priisk Artel.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, May 26, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:02 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-NINTH DAY

CARSON CITY (Wednesday), May 26, 1993

Assembly called to order at 11:14 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Elaine Morgan.

Great Creator, source of love, we ask Your blessing upon today's session. We thank You for all that You do for us. We thank You for Your love which is always present, even when our faith is not. We thank You for using us, no matter how diverse our backgrounds and beliefs. We ask that we may always love and trust in You and that Your love may be reflected in our hearts, words, and actions. In our Lord's Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 485, 601, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Joint Resolution No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was re-referred Assembly Bill No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was re-referred Assembly Bill No. 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 617, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 469, 611, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bills Nos. 228, 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 431, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 61.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 167, 169, 211, 212, 368, 380, 433, 443.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Judiciary:

Assembly Concurrent Resolution No. 62—Urging local law enforcement agencies to develop guidelines to ensure that citizens are afforded their right to bear arms.

Assemblyman Sader moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 677—An Act relating to crimes; raising the monetary threshold for the classification of crimes relating to property; increasing the quantitative thresholds for the classification of crimes concerning trafficking in certain controlled substances; making various changes relating to the program of regimental discipline; expanding the discretion of the court in sentencing certain offenders; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 678—An Act relating to the department of prisons; authorizing the department to confine in an infirmary of the department certain offenders who refuse medical treatment; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 679—An Act relating to property taxes; delaying the dates for the adoption of final budgets by local governments, setting of tax rates by the Nevada tax commission and the payment of the first installments of property taxes for fiscal year 1993-1994; requiring the executive director of the department of taxation to certify the combined tax rate for each county for the fiscal year 1993-1994; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen McGaughey, Bache, Smith, Gibbons, Freeman, Ernaut, Gregory, Garner, Bennett, Regan, Carpenter, Segerblom, Lambert, de Braga, Anderson, Marvel, Evans, Chowning, Humke, Toomin, Kenny, Myrna Williams, Schneider, Neighbors, Petrak, Hettrick, Bonaventura, Arberry, Spitler, Price, Wendell Williams, Heller, Perkins, Giunchigliani and Tiffany:

Assembly Bill No. 680—An Act relating to the local school support tax; allowing a copy of a notarized bill of sale that is signed by the buyer or seller to be used in lieu of an authorized appraisal in computing the sales tax for certain motor vehicles; and providing other matters properly relating thereto.

Assemblyman McGaughey moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 167.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 169.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 211.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 212.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 368.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 380.

Assemblyman Porter moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 433.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 443.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 192.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 290.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 537.

Amend section 1, page 1, by deleting lines 2 through 19 and inserting: "to evaluate the feasibility of increasing opportunities for transferring the responsibility for managerial decisions regarding public schools to staff members, administrators and parents to provide more flexibility in the operation of public schools and increase the accountability of educational personnel.

2. The state board shall designate 10 public schools to participate in the pilot program. To be eligible to participate in the pilot program, a school must submit an application to the state board that is accompanied by evidence of support for participation in the pilot program.

3. The state board may require the submission of any additional evidence it deems necessary for eligibility for participation in the pilot program.

4. The state board shall, on or before January 10, 1995, submit a report containing its findings, conclusions and recommendations regarding the pilot program to the director of the legislative counsel bureau for transmission to the members of the legislative commission.".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 503.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 525.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. Except as otherwise provided in this section, the welfare division may, to the extent it is not prohibited by federal law and when circumstances allow:*

(a) Recover benefits correctly paid for assistance to the medically indigent from:

(1) The estate of the person who received those benefits; and

(2) The estate of the surviving spouse of the person who received those benefits.

(b) Recover from the recipient of assistance to the medically indigent or the person who signed the application for assistance to the medically indigent on behalf of the recipient an amount not to exceed the benefits incorrectly paid to the recipient if the person who signed the application:

(1) Failed to report any required information to the welfare division which he knew at the time he signed the application; or

(2) Failed within the period allowed by the welfare division to report any required information to the welfare division which he obtained after he filed the application.

2. The welfare division shall not recover benefits pursuant to paragraph (a) of subsection 1 until after the death of the surviving spouse, if any, and only at a time when the person who received the benefits has no surviving child who is under 21 years of age or is blind or permanently and totally disabled.

3. Except as otherwise provided by federal law, if a transfer of real or personal property by a recipient of assistance to the medically indigent is made for less than fair market value, the welfare division may pursue any remedy available pursuant to chapter 112 of NRS with respect to the transfer.

4. The amount of assistance to the medically indigent paid to or on behalf of a person is a claim against the estate in any probate proceeding only if there is no surviving spouse or surviving child who is under 21 years of age or is blind or permanently and totally disabled.

5. The administrator may elect not to file a claim against the estate of a recipient of assistance to the medically indigent or his spouse if he deter-

mines that the filing of the claim will cause an undue hardship for the spouse or other survivors of the recipient. The board shall adopt regulations defining the circumstances that constitute an undue hardship.

6. Any recovery of money obtained pursuant to this section must be applied first to the cost of recovering the money. Any remaining money must be divided among the Federal Government, the department and the county in the proportion that the amount of assistance each contributed to the recipient bears to the total amount of the assistance contributed.

Sec. 3. *Each application for assistance to the medically indigent must include:*

1. A statement that any assistance paid to a recipient may be recovered in an action filed against the estate of the recipient or his spouse; and

2. A statement that any person who signs an application for assistance to the medically indigent and fails to report:

(a) Any required information to the welfare division which he knew at the time he signed the application; or

(b) Within the period allowed by the welfare division, any required information to the welfare division which he obtained after he filed the application,

may be personally liable for any money incorrectly paid to the recipient.

Sec. 4. NRS 150.220 is hereby amended to read as follows:

150.220 The debts and charges of the estate [shall] *must* be paid in the following order:

1. Funeral expenses.
2. The expenses of the last sickness.
3. Family allowance.
4. Debts having preference by laws of the United States.
5. *Money owed to the department of human resources as a result of the payment of benefits for assistance to the medically indigent.*
6. Wages to the extent of $600, of each employee of the decedent, for work done or personal services rendered within 3 months [prior to] *before* the death of the employer. If there is not sufficient money with which to pay all such labor claims in full, the money available must be distributed among the claimants in accordance with the amounts of their respective claims.

[6.] *7.* Judgments rendered against the deceased in his lifetime, and mortgages in order of their date. The preference given to a mortgage [shall] *must* only extend to the proceeds of the property mortgaged. If the proceeds of such property [be] *are* insufficient to pay the mortgage, the part remaining unsatisfied [shall] *must* be classed with other demands against the estate.

[7.] *8.* All other demands against the estate.''.

Assemblyman Smith moved the adoption of the amendment.

Remarks by Assemblyman Smith.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 531.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 507.

Amend sec. 10, page 5, lines 8 and 9, by deleting: "*pursuant to subsection 1*".

Amend sec. 10, page 5, line 11, by deleting: "*pursuant to subsection 1*".

Amend sec. 12, page 6, line 48, by deleting: "*pursuant to subsection 1*".

Amend sec. 12, page 7, lines 2 and 3, by deleting: "*pursuant to subsection 1*".

Amend sec. 144, page 78, line 12, by deleting: "upon passage and approval." and inserting: "on January 1, 1994.".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 540.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 476.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 33.020 is hereby amended to read as follows:

33.020 1. If it appears to the satisfaction of the court from specific facts shown by a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence, the court may grant a temporary or extended order for protection against domestic violence.

2. The court may require the applicant or the adverse party, or both, to appear before it before determining whether to grant the temporary or extended order.

3. A temporary order may be granted with or without notice to the adverse party. An extended order may only be granted after notice to the adverse party and a hearing on the application.

4. The court shall rule upon an application for a temporary order within 1 judicial day after it is filed.

5. If it appears to the satisfaction of the court from specific facts communicated by telephone to the court by an alleged victim that an act of domestic violence has occurred and the alleged perpetrator of the domestic violence has been arrested and is presently in custody pursuant to NRS 171.137, the court may grant a temporary order for protection against domestic violence. Before approving an order under such circumstances, the court shall confirm with the appropriate law enforcement agency that the applicant is an alleged victim and that the alleged perpetrator is in custody. Upon approval by the court, the signed order may be transmitted to the facility where the alleged perpetrator is in custody by electronic or telephonic transmission to a facsimile machine. If such an order is received by the facility holding the alleged perpetrator while he is still in custody, the order must be personally served by an authorized employee of the facility

before the alleged perpetrator is released. The court shall mail a copy of each order issued pursuant to this subsection to the alleged victim named in the order and cause the original order to be filed with the court clerk on the first judicial day after it is issued.".

Amend the title of the bill to read as follows:

"An Act relating to domestic violence; authorizing a court to expedite the issuance of a temporary order for protection against domestic violence under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes expedited temporary orders for protection against domestic violence under certain circumstances. (BDR 3-1834)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 627.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 599.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting:

"*1. If a witness resides outside this state or more than 100 miles from the place of a preliminary examination, his affidavit may be used at the preliminary examination when*".

Amend section 1, page 1, line 14, after "*at*" by inserting "*or before*".

Amend sec. 2, page 2, by deleting lines 1 and 2 and inserting:

"*1. If a witness resides outside this state or more than 100 miles from the place of a grand jury proceeding, his affidavit may be used at the proceeding when*".

Amend sec. 2, page 2, line 14, after "*at*" by inserting "*or before*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 135 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 488 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 67.

Bill read second time and ordered to third reading.

Senate Bill No. 69.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 596.

Amend section 1, page 1, line 21, by deleting "*division;*" and inserting "*authority;*".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 314.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 33.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 33:

YEAS—41.

NAYS—Bennett.

Assembly Bill No. 33 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 66.

Bill read third time.

Remarks by Assemblyman Petrak.

Roll call on Assembly Bill No. 66:

YEAS—41.

NAYS—Collins.

Assembly Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 359.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 615.

Amend the title of the bill, first line, by deleting "public" and inserting "state".

Amend the summary of the bill, second line, by deleting "public" and inserting "state".

Assemblyman Bache moved the adoption of the amendment.
Remarks by Assemblyman Bache.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 621 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Porter.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 30.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 30:

YEAS—32.
NAYS—Bonaventura, Ernaut, Gibbons, Gregory, Hettrick, Lambert, McGaughey, Scherer, Smith, Tiffany—10.

Senate Bill No. 30 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 145.
Bill read third time.
Remarks by Assemblyman Freeman.
Roll call on Senate Bill No. 145:

YEAS—41.
NAYS—Scherer.

Senate Bill No. 145 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 369.
Bill read third time.
Remarks by Assemblymen Petrak, Augustine, Evans, Freeman and Smith.
Roll call on Senate Bill No. 369:

YEAS—36.
NAYS—Augustine, Gregory, Humke, Tiffany, Toomin, Mr. Speaker—6.

Senate Bill No. 369 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 21 of the 66th Session.
Resolution read third time.
Remarks by Assemblyman Price.

Roll call on Senate Joint Resolution No. 21 of the 66th Session:

YEAS—40.

NAYS—Collins, Porter—2.

Senate Joint Resolution No. 21 of the 66th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 63.

The following Senate amendment was read:

Amendment No. 374.

Amend section 1, page 1, by deleting lines 7 through 9 and inserting: "parole.] The *separate penalty* hearing [shall] *must* be conducted *as follows:*

(a) If the finding is made by a jury, the separate penalty hearing must be conducted in the trial court before the trial jury, [or before a panel of three district judges if the trial was without a jury,] as soon as practicable.

(b) If the finding is made upon a plea of guilty or a trial without a jury and the death penalty is sought, the separate penalty hearing must be conducted before a panel of three district judges, as soon as practicable.

(c) If the finding is made upon a plea of guilty or a trial without a jury and the death penalty is not sought, the separate penalty hearing must be conducted before the judge who conducted the trial or who accepted the plea of guilty, as soon as practicable.".

Amend section 1, page 1, by deleting lines 15 and 16 and inserting: "*ney, if any, and the prosecuting attorney.*".

Amend sec. 2, page 2, by deleting line 11 and inserting: "2. The jury , *the trial judge* or the".

Amend sec. 3, page 2, by deleting lines 40 through 42 and inserting:

"175.558 When any person is convicted of murder of the first degree upon a plea of guilty or a trial without a jury *and the death penalty is sought,* the supreme court shall appoint two".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 63.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:08 p.m.

ASSEMBLY IN SESSION

At 12:17 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 681—An Act relating to insurance; revising provisions for the rehabilitation and liquidation of insurers; adding provisions concerning the administrative supervision of insurers, reinsurance and controlling producers; making it unlawful to obstruct, interfere or fail to cooperate with the commissioner of insurance in certain proceedings or investigations; making it unlawful to violate certain orders of the commissioner; making various other changes relating to insurance; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Giunchigliani, Evans, Chowning, Myrna Williams, Arberry, Price, Anderson, Bache, Regan, de Braga, Collins, Haller, Freeman, Petrak, Bennett, Smith, Toomin, Neighbors, Segerblom, Wendell Williams, Kenny, Porter, Gregory, McGaughey and Scherer:

Assembly Bill No. 682—An Act relating to public assistance; requiring the state welfare administrator to calculate the standard of need and to pay benefits for aid to dependent children according to a schedule based on that standard of need; imposing certain requirements upon and providing certain benefits for recipients; requiring coordinated training for employment; requiring the state welfare administrator to take certain action if expenditures for aid to dependent children during a biennium are in excess of the amount appropriated by the legislature for that purpose; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 63—Urging the owners of residential swimming pools in Nevada to ensure that their pools are protected by adequate fences or other barriers against unsupervised use by young children.

Assemblyman Evans moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Joint Resolution No. 27; Senate Bill No. 343.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Trisha Rogers, Donna Miller, Mr. Pete Chapin and the following Boy Scouts from Fernley: David Ortmeier, Brandon Randall, Tim Miller, Earl Tunnell, Ty Goodsell, Lee Rogers, Jeromy Rogers, Terrance King and Jeff Rogers.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Becky Albiston.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Patricia Howard.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Kelly Schneider.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Kathy Millett and Sheri Vidovich.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Kontiki Crossley and Ms. Suzann Dragecevich-Marrazzo.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Brently Feuzell and Ms. Talitha Manning.

Assemblyman Porter moved that the Assembly adjourn until Thursday, May 27, 1993 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:20 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTIETH DAY

CARSON CITY (Thursday), May 27, 1993

Assembly called to order at 10:45 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Elaine Morgan.

Loving Father, bless the service of all persons involved in and with our State Assembly. Help them to seek Your presence, hear Your voice and continually rely on Your guidance. Provide them strength and courage to pursue what You want for all persons: love, inner peace and joyfulness. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 593; Senate Bills Nos. 206, 340, 425, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 619; Senate Bill No. 282, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Concurrent Resolution No. 53, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 482, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 584, 589, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was re-referred Senate Bill No. 149, has had the same under consideration, and begs leave to report the same back without recommendation.

WENDELL P. WILLIAMS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 186, 205, 237, 377, 522.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 31.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 16.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 335, 422.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 309.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Petrak moved that Assembly Bill No. 531 be placed on the General File.

Remarks by Assemblyman Petrak.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 4.

Bill read third time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 598.

Amend sec. 2, page 2, line 28, by deleting "*were invited,*" and inserting "*attended,*".

Amend sec. 2, page 2, between lines 41 and 42 by inserting:

"*3. The legislative commission may authorize an audit or investigation by the legislative auditor that is proper and necessary to verify compliance with the provisions of this section. A lobbyist shall make available to the legislative auditor all books, accounts, claims, reports, vouchers and other records requested by the legislative auditor in connection with any such audit or investigation. The legislative auditor shall confine his requests for such records to those which specifically relate to the lobbyist's compliance with the reporting requirements of this section.*".

Amend the bill as a whole by deleting sec. 3.

Amend the title of the bill by deleting the third and fourth lines and inserting: "authorizing an audit or investigation to verify compliance with these require-".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 192.

Bill read third time.

The following amendment was proposed by the Committee on Education:

Amendment No. 664.

Amend section 1, page 1, line 3, by deleting "*after consulting*" and inserting "*in conjunction*".

Amend section 1, page 1, line 9, by deleting: "*by the school district*".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 314.

Bill read third time.

Remarks by Assemblymen Lambert, Sader and Arberry.

Roll call on Assembly Bill No. 314:

YEAS—42.

NAYS—None.

Assembly Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 387.

Bill read third time.

Remarks by Assemblymen Scherer and Price.

Roll call on Assembly Bill No. 387:

YEAS—41.

NAYS—Porter.

Assembly Bill No. 387 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 547.

Bill read third time.

Remarks by Assemblymen Hettrick and Myrna Williams.

Roll call on Assembly Bill No. 547:

YEAS—42.

NAYS—None.

Assembly Bill No. 547 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 620.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Assembly Bill No. 620:

YEAS—42.

NAYS—None.

Assembly Bill No. 620 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 67.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Senate Bill No. 67:

YEAS—37.

NAYS—Anderson, Augustine, Hettrick, Lambert, Scherer—5.

Senate Bill No. 67 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 314.

Bill read third time.

Remarks by Assemblyman Wendell Williams.

Roll call on Senate Bill No. 314:

YEAS—42.

NAYS—None.

Senate Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 531.

Bill read third time.

Remarks by Assemblyman Petrak.

Roll call on Assembly Bill No. 531:

YEAS—40.

NAYS—Collins, Ernaut—2.

Assembly Bill No. 531 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 53.

Assemblyman Freeman moved the adoption of the resolution.

Remarks by Assemblyman Freeman.

Resolution adopted.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:12 a.m.

ASSEMBLY IN SESSION

At 11:49 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 114, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 27, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 39.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 39.

Assemblyman Gibbons moved the adoption of the resolution.

Remarks by Assemblymen Gibbons, Anderson and Ernaut.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 683—An Act relating to the disclosure of financial records; repealing the requirement of notice to a customer of a financial institution concerning a subpena authorizing a governmental agency to obtain his financial records; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Bache, Collins, Price, Chowning, Toomin, Smith, Anderson, Regan, de Braga, Segerblom, Haller, Arberry and Perkins:

Assembly Bill No. 684—An Act relating to local government employees; expanding the scope of mandatory bargaining for teachers and certain persons employed by a school district; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Garner, Petrak, Dini, Heller, Anderson, Hettrick, Bache, Smith, Regan, Perkins, Segerblom, Carpenter, Neighbors, Ernaut, Schneider, Scherer, Chowning, Haller, McGaughey, Evans, Gregory, Marvel, Arberry, Price, Spitler, Collins, Wendell Williams, Humke, Gibbons, Kenny, Bennett, Freeman, Lambert, Giunchigliani, Toomin, Tiffany and Sader:

Assembly Bill No. 685—An Act relating to property taxes; authorizing the board of county commissioners of each county to adopt an ordinance establishing a program to allow senior citizens to pay property taxes through the provision of personal services; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Hettrick, Gibbons, Evans, Marvel, Porter, Bennett, Wendell Williams, Augustine, Bonaventura, Petrak, Heller, Perkins, Regan, Arberry, Freeman, Schneider, Ernaut, McGaughey, Bache, Lambert, Smith, Anderson, Garner, Sader, Spitler, Price, de Braga, Segerblom, Neighbors, Carpenter, Gregory, Kenny, Chowning, Scherer, Humke, Toomin, Myrna Williams, Giunchigliani and Dini:

Assembly Bill No. 686—An Act relating to safety; requiring that a lifeguard at a public bathing or swimming facility have completed certain training; authorizing the employer of a lifeguard at such a facility to test the lifeguard for competency during his employment; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 687—An Act relating to tenancies; lessening the length of a notice to quit for certain short-term tenancies; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 688—An Act relating to criminal acts; increasing the penalty for the commission of an assault or battery against certain persons; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 689—An Act relating to juveniles; making various changes regarding the placement of delinquent children and children in need of supervision; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 309.

Assemblyman Bennett moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 335.

Assemblyman Bennett moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 422.

Assemblyman Bennett moved that the bill be referred to the Committee on Commerce.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 67 was this day passed.

SECOND READING AND AMENDMENT

Assembly Bill No. 431.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 580.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 4 as sections 1 through 3.

Amend the bill as a whole by deleting sec. 5 and renumbering sec. 6 as sec. 4.

Amend the bill as a whole by deleting sections 7 and 8 and renumbering sec. 9 as sec. 5.

Amend the bill as a whole by deleting sec. 10 and renumbering sec. 11 as sec. 6.

Amend the bill as a whole by adding new sections designated sections 7 through 9, following sec. 11, to read as follows:

"Sec. 7. NRS 41.325 is hereby amended to read as follows:

41.325 After any proceeding in which a person, previously adjudicated to be insane, is adjudicated to be sane, the clerk shall immediately notify the administrative officer and the medical director of [the] *Northern* Nevada *adult* mental health [institute] *services,* of the adjudication.

Sec. 8. NRS 160.161 is hereby amended to read as follows:

160.161 1. Upon commitment, such person [shall be] *is* subject to the rules and regulations of the Veterans' Administration or other agency when admitted to any facility operated by any such agency within or without this state.

2. The chief officer of any facility of the Veterans' Administration or institution operated by any other agency of the United States to which the person is so committed [shall,] *is,* with respect to such person, [be] vested with the same powers as the [institute director] *administrative officer* and the medical director of [the] *Northern* Nevada *adult* mental health [institute] *services* with respect to retention of custody, transfer, parole or discharge.

3. The committing court shall retain jurisdiction:

(a) To inquire, at any time, into the mental condition of persons so committed.

(b) To determine the necessity for continuance of his restraint.

Sec. 9. NRS 160.162 is hereby amended to read as follows:

160.162 1. Upon receipt of a certificate of the Veterans' Administration or [such] other agency of the United States that facilities are available for the care or treatment of any person [heretofore] committed to [the] *Northern* Nevada *adult* mental health [institute] *services* and that such person is eligible for care or treatment, the [institute director of the] *administrative officer of Northern* Nevada *adult* mental health [institute] *services* may cause the transfer of such person to the Veterans' Administration or other agency of the United States for care or treatment.

2. The committing court [shall] *must* be notified by the [institute director of the] *administrative officer of Northern* Nevada *adult* mental health [institute] *services* upon effecting such transfer.

3. No person [shall] *may* be transferred to the Veterans' Administration or other agency of the United States if he [be] *is* confined pursuant to conviction of a felony or misdemeanor or if he has been acquitted of the charge solely on the ground of insanity, unless [prior to] *before* transfer the court originally committing such person [shall enter] *enters* an order for such transfer after appropriate motion and hearing.

4. Any person transferred as provided in this section shall be deemed to be committed to the Veterans' Administration or other agency of the United States pursuant to the original commitment.".

Amend the bill as a whole by renumbering sec. 12 as sec. 10.

Amend the bill as a whole by deleting sections 13 through 15 and renumbering sec. 16 as sec. 11.

Amend the bill as a whole by deleting sec. 17 and the leadlines of repealed sections and inserting new sections designated sections 12 through 14, and the text of repealed section, following sec. 16, to read as follows:

"Sec. 12. NRS 444.330 is hereby amended to read as follows:

444.330 1. The health division has supervision over the sanitation, healthfulness, cleanliness and safety, as it pertains to the foregoing matters, of the following state institutions:

(a) Institutions and facilities of the department of prisons.

(b) *Northern* Nevada *adult* mental health [institute.] *services.*

(c) Nevada youth training center.
(d) Caliente youth center.
(e) Northern Nevada children's home.
(f) Southern Nevada children's home.
(g) University of Nevada System.

2. The state board of health may adopt regulations pertaining thereto as are necessary to promote properly the sanitation, healthfulness, cleanliness and, as it pertains to the foregoing matters, the safety of such institutions.

3. The state health officer or his authorized agent shall inspect such institutions at least once each calendar year and whenever he deems an inspection necessary to carry out the provisions of this section.

4. The state health officer may publish reports of such inspections.

5. All persons charged with the duty of maintenance and operation of the institutions named in this section shall operate such institutions in conformity with the regulations adopted by the state board of health pursuant to subsection 2.

6. The state health officer or his authorized agent may, in carrying out the provisions of this section, enter upon any part of the premises of any of the institutions named in this section over which he has jurisdiction, to determine the sanitary conditions of such places and to determine whether the provisions of this section and the regulations of the state board of health pertaining thereto are being violated.

Sec. 13. NRS 502.077 is hereby amended to read as follows:

502.077 1. The department shall issue special fishing permits to the administrative head of:

(a) [The] *Northern* Nevada *adult* mental health [institute;

(b) The Las Vegas] *services;*

(b) Southern Nevada adult mental health [center;] *services;*

(c) The Northern Nevada children's home;

(d) The Southern Nevada children's home;

(e) The Nevada youth training center;

(f) The Caliente youth center;

(g) The Spring Mountain Youth Camp;

(h) The China Spring Youth Camp;

(i) Any facility which provides temporary foster care for children who are not delinquent; and

(j) Such other public or charitable institutions or organizations as are designated by regulations adopted by the commission,

for use only by the members, patients or children of such institutions or organizations.

2. The permits:

(a) Must be in the possession of the officer or employee who is supervising a member, patient or child while he is fishing.

(b) Authorize a member, patient or child to fish in a legal manner if in the company of an officer or employee of one of the institutions listed in this section, or of an organization provided for by regulation, if the officer or employee has a valid Nevada fishing license.

(c) Must be issued pursuant and subject to regulations prescribed by the commission.

(d) Must contain the words "Nevada Special Fishing Permit" and the number of the permit printed on the face of the permit.

(e) May authorize no more than 15 members, patients or children, respectively, to fish.

3. Each institution or organization shall pay to the department an annual fee of $15 for each permit issued to the institution or organization pursuant to this section. The department shall not issue more than two permits per year to each institution or organization.

4. It is unlawful for any person other than a member, patient or child in one of these organizations or institutions to fish with a permit issued by the department pursuant to this section.

Sec. 14. NRS 433.114 is hereby repealed.

TEXT OF REPEALED SECTION

433.114 "Institute" defined. "Institute" means the Nevada mental health institute.".

Amend the title of the bill, first line, after "concerning" by inserting "certain programs,".

Amend the title of the bill by deleting the third and fourth lines and inserting: "resources; and provid-".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 469.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 485.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 430.

Amend sec. 5, page 2, by deleting lines 9 through 11 and inserting:

"2. *The division shall pay for the expenses of conducting the programs from money in the account for education and recovery relating to manufactured housing.*".

Amend the bill as a whole by renumbering sections 9 and 10 as sections 10 and 11 and adding a new section designated sec. 9, following sec. 8, to read as follows:

"Sec. 9. NRS 489.4971 is hereby amended to read as follows:

489.4971 1. The account for education and recovery relating to manufactured housing is hereby created within the fund for manufactured housing created pursuant to NRS 489.491 to satisfy claims against persons licensed [under] *pursuant to* this chapter. Any balance in the account over $500,000 at the end of any fiscal year must be set aside and used by the administrator for education respecting manufactured homes, mobile homes, travel trailers or commercial coaches.

2. Upon issuance or renewal of the following licenses by the division, the licensee must pay in addition to the original or renewal license fee, a fee:

(a) For a dealer's or manufacturer's original license, or an original limited dealer's license issued pursuant to NRS 489.281, of $1,000.

(b) For a dealer's or manufacturer's renewal license, or a renewal limited dealer's license issued pursuant to NRS 489.281, of $600.

(c) For an original or renewal license for:

(1) A serviceman, rebuilder or installer, of $150.

(2) A salesman, of $25.

(3) A responsible managing employee, of $50.

Fees collected pursuant to this section must be deposited in the state treasury for credit to the account.

3. Payments from the account *to satisfy claims against persons licensed pursuant to this chapter* must be made only upon an appropriate court order.".

Amend sec. 10, page 3, line 28, by deleting: "7, 8 and 9" and inserting: "and 7 to 10, inclusive,".

Amend the title of the bill, first line, to read as follows:

"An Act relating to manufactured housing; making various".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 601.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 554.

Amend sec. 3, page 2, line 11, after "NRS 711.280" by inserting: "*or section 1 of this act*".

Amend sec. 3, page 2, by deleting lines 13 through 15 and inserting: "injured person sustains the injury, whichever is later.".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 611.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 617.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 555.

Amend the bill as a whole by adding a new section designated sec. 6.5, following sec. 6, to read as follows:

"Sec. 6.5. *1. In this section:*

(a) "Check" means a cashier's check, teller's check or certified check.

(b) "Claimant" means a person who claims the right to receive the amount of a cashier's check, teller's check or certified check that was lost, destroyed or stolen.

(c) "Declaration of loss" means a written statement, made under penalty of perjury, to the effect that:

(1) The declarer lost possession of a check;

(2) The declarer is the drawer or payee of the check, in the case of a certified check, or the remitter or payee of the check, in the case of a cashier's check or teller's check;

(3) The loss of possession was not the result of a transfer by the declarer or a lawful seizure; and

(4) The declarer cannot reasonably obtain possession of the check because the check was destroyed, its whereabouts cannot be determined, or it is in the wrongful possession of an unknown person or a person that cannot be found or is not amenable to service of process.

(d) "Obligated bank" means the issuer of a cashier's check or teller's check or the acceptor of a certified check.

2. A claimant may assert a claim to the amount of a check by a communication to the obligated bank describing the check with reasonable certainty and requesting payment of the amount of the check, if:

(a) The claimant is the drawer or payee of a certified check or the remitter or payee of a cashier's check or teller's check;

(b) The communication contains or is accompanied by a declaration of loss of the claimant with respect to the check;

(c) The communication is received at a time and in a manner affording the bank a reasonable time to act on it before the check is paid; and

(d) The claimant provides reasonable identification if requested by the obligated bank.

3. Delivery of a declaration of loss is a warranty of the truth of the statements made in the declaration. If a claim is asserted in compliance with this subsection, the following rules apply:

(a) The claim becomes enforceable at the later of:

(1) The time the claim is asserted; or

(2) The 90th day following the date of the check, in the case of a cashier's check or teller's check, or the 90th day following the date of the acceptance, in the case of a certified check.

(b) Until the claim becomes enforceable, it has no legal effect and the obligated bank may pay the check or, in the case of a teller's check, may permit the drawee to pay the check. Payment to a person entitled to enforce the check discharges all liability of the obligated bank with respect to the check.

(c) If the claim becomes enforceable before the check is presented for payment, the obligated bank is not obliged to pay the check.

(d) When the claim becomes enforceable, the obligated bank becomes obliged to pay the amount of the check to the claimant if payment of the

check has not been made to a person entitled to enforce the check. Subject to paragraph (a) of subsection 1 of NRS 104.4302, payment to the claimant discharges all liability of the obligated bank with respect to the check.

4. If the obligated bank pays the amount of a check to a claimant under paragraph (d) of subsection 2 and the check is presented for payment by a person having rights of a holder in due course, the claimant is obliged to refund the payment to the obligated bank if the check is paid, or pay the amount of the check to the person having rights of a holder in due course if the check is dishonored.

5. If a claimant has the right to assert a claim under subsection 2 and is also a person entitled to enforce a cashier's check, teller's check or certified check which is lost, destroyed or stolen, the claimant may assert rights with respect to the check either under this section or section 3 of this act.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 228.

Bill read second time and ordered to third reading.

Senate Bill No. 348.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 19.

Resolution read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 63; Assembly Concurrent Resolution No. 61; Senate Concurrent Resolution No. 11.

REMARKS FROM THE FLOOR

Assemblyman Giunchigliani requested that her remarks be entered in the Journal.

Thank you, Mr. Speaker. My students graduate tomorrow. I wanted to know if you would allow me to enter their names in the record to congratulate them for the good work that they did. I miss them this semester. I am very proud that they were able to do that.

First, I would like to thank the substitute, Tom Rinegar, who has been covering my classroom. I would like to say how proud I am of the following students: John Bland, Crystal Chaffin, Mario Quinones-Rodela, "Ti" Thomas Burkett, Thomas Mooney, Amber Palacios, Dana Sowers, Joni Scoville, Crystal Smith, John Washington, Mojghan Ansary, Shilo Long, Stephen Heaton, Jacob Peterson, Kevin Bell and Elizabeth Zuziak.

Two of my students made student of the year this year. I am very, very proud of them. Thank you.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jeffrey Tissier.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Monsignor Leo McFadden.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Jackie Garrets, Corazon Raugh, Sandra Ewert, Pat Marble, Susan Bangert, Ellen Leppa, Debbie Kani, Atocha Carter, Bonnie Eastwood, Carol Sheeks and the following students from Bordewich Elementary School, Carson City: Alexandra Becker, Chantelle Bradley, Tara Branden, Tina Bristol, Elizabeth Carter, Darin Cavallero, Whitney Fahnestock, Brian Fenn, Esmeralda Fuentes, Ashley Gibson, Geoffrey Green, Erin Gregg, Jena Harasti, Carolina Hernandez, Ishmael Hernandez, Timothy Kane, James Lansdon, Stuart Law, Morgan McKinney, Rocio Medina, David Pauli, Claudia Rios, Rohelio Rubio, Amanda Sandy, Randall Saucedo, Dustin Tuggle, Robert Votta and Jessica Walthers.

Assemblyman Porter moved that the Assembly adjourn until Friday, May 28, 1993 at 10:30 a.m.

Motion carried.

Assembly adjourned at 12:19 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTY-FIRST DAY

CARSON CITY (Friday), May 28, 1993

Assembly called to order at 10:44 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter and Giunchigliani, who were excused.

Prayer by the Chaplain, The Reverend Elaine Morgan.

Dear Father of all, bless our Assembly members' deliberations and decisions. Help each of us to place morality, ethics and justice above and before partisan politics, personal gain, recognition and individual ambition. Help to keep our actions from creating class envy. Because we are human, we know that this can be accomplished only through Your guidance and help. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 196, 244, 312, 626, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 27, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 194, 402, 438, 441, 443.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 375, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 492.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 183, 313, 399, 441.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Lambert, Hettrick, Neighbors, de Braga, Freeman, Gibbons, Ernaut, Humke and Dini:

Assembly Bill No. 690—An Act relating to hazardous materials; transferring the responsibility to provide training regarding hazardous materials from the state fire marshal to the University of Nevada System; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 691—An Act relating to podiatrists; clarifying that a doctor of podiatric medicine is a physician for statutory purposes; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 692—An Act relating to the Colorado River commission; revising its membership; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 183.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 313.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 399.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 441.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 492.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 432, 561, 661, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 611 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Evans moved that Assembly Bill No. 503 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Evans.

Motion carried.

In compliance with a notice given on a previous day, Assemblyman Bache moved that the vote whereby Senate Bill No. 67 was passed be reconsidered.

Motion carried.

Assemblyman Wendell Williams moved that Senate Bill No. 67 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Wendell Williams.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 359.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 359:

YEAS—40.

NAYS—None.

Absent—Carpenter, Giunchigliani—2.

Assembly Bill No. 359 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 469.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Bill No. 469:

YEAS—40.

NAYS—None.

Absent—Carpenter, Giunchigliani—2.

Assembly Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 540.

Bill read third time.

Remarks by Assemblyman Schneider.

Roll call on Assembly Bill No. 540:

YEAS—40.

NAYS—None.

Absent—Carpenter, Giunchigliani—2.

Assembly Bill No. 540 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 627.

Bill read third time.

Remarks by Assemblymen Toomin, Price and Sader.

Roll call on Assembly Bill No. 627:

YEAS—36.

NAYS—Collins, Porter, Price, Wendell Williams—4.

Absent—Carpenter, Giunchigliani—2.

Assembly Bill No. 627 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 69.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Senate Bill No. 69:

YEAS—40.

NAYS—None.

Absent—Carpenter, Giunchigliani—2.

Senate Bill No. 69 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 149.

Bill read third time.

Remarks by Assemblyman Wendell Williams.

Roll call on Senate Bill No. 149:

YEAS—40.

NAYS—None.

Absent—Carpenter, Giunchigliani—2.

Senate Bill No. 149 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 228.

Bill read third time.

Remarks by Assemblyman Smith.

Roll call on Senate Bill No. 228:

YEAS—39.

NAYS—Scherer.

Absent—Carpenter, Giunchigliani—2.

Senate Bill No. 228 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 348.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Senate Bill No. 348:

YEAS—40.

NAYS—None.

Absent—Carpenter, Giunchigliani—2.

Senate Bill No. 348 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 19.

Resolution read third time.

Remarks by Assemblyman Porter.

Roll call on Senate Joint Resolution No. 19:

YEAS—40.

NAYS—None.

Absent—Carpenter, Giunchigliani—2.

Senate Joint Resolution No. 19 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 123, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 2, which is attached to and hereby made a part of this report.

JAMES A. GIBBONS	DEAN A. RHOADS
MARCIA DE BRAGA	ERNEST E. ADLER
DOUGLAS ALBERT BACHE	THOMAS J. HICKEY
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 2.

Amend section 1, page 1, line 7, after "*or*" by inserting: "*, at his own expense, by*".

Amend section 1, page 1, line 15, by deleting "*or veterinarian*".

Amend sec. 2, page 2, between lines 20 and 21, by inserting: "*The provisions of this section do not affect the issuance of a replacement tag pursuant to section 1 of this act.*".

Assemblyman Gibbons moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 123.

Remarks by Assemblyman Gibbons.

Motion carried.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Arberry moved that the Assembly do not recede from its action on Senate Bill No. 306, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Arberry.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Arberry, Marvel and Spitler as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 306.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 494 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Sader.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 445.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 465.

Amend sec. 3, page 1, line 10, by deleting "architecture;" and inserting "geotechnical engineering;".

Amend sec. 3, page 1, line 11, by deleting "geotechnical or".

Amend sec. 3, page 1, between lines 17 and 18, by inserting:

"(i) The construction industry;".

Amend sec. 3, page 1, line 18, by deleting "(i)" and inserting "(j)".

Amend sec. 3, page 1, line 20, by deleting "(j)" and inserting "(k)".

Amend sec. 3, page 1, line 21, by deleting "(k)" and inserting "(l)".

Amend sec. 3, page 2, by deleting lines 1 and 2 and inserting:

"(m) The cities and counties of this state;".

Amend sec. 6, page 2, between lines 37 and 38, by inserting:

"3. The division of emergency management of the department of the military shall provide the council with sufficient staff for the council to carry out its duties.".

Amend sec. 7, page 2, by deleting line 47 and inserting:

"(a) In the advisory plan required pursuant to section 9 of this act; and".

Amend sec. 7, page 3, between lines 2 and 3, by inserting:

"6. Make recommendations to the National Earthquake Hazards Reduction Program regarding program activities.".

Amend sec. 7, page 3, line 3, by deleting "6." and inserting "7.".

Amend sec. 8, page 3, by deleting lines 27 through 29.

Amend the bill as a whole by deleting sec. 9 and adding a new section designated sec. 9, following sec. 8, to read as follows:

"Sec. 9. 1. The division of emergency management of the department of the military shall prepare and annually revise, for review and adoption by the council, an advisory plan for the reduction in this state of risks from earthquakes, which must include a report of the findings, progress and recommendations of the council.

2. The council shall provide a copy of its current advisory plan:

(a) Annually to the governor and the National Earthquake Hazards Reduction Program; and

(b) To the legislature during each regular session.".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 482.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 566.

Amend section 1, page 1, line 7, after "*(1)*" by inserting: "*Files with the division an affidavit stating that the sole purpose for converting the mobile home from real to personal property is to effect a transfer of the title to the mobile home;*

(2)".

Amend section 1, page 1, line 10, by deleting "*(2)*" and inserting "*(3)*".

Amend section 1, page 1, line 12, by deleting "*due*" and inserting: "*for the fiscal year*".

Amend section 1, page 1, line 17, by deleting: "*from the division*".

Amend section 1, page 2, line 3, by deleting: "*of consent and conversion*".

Amend section 1, page 2, by deleting lines 7 through 9 and inserting: "*he must obtain a certificate of ownership from the division.*".

Amend sec. 2, page 2, by deleting line 39.

Amend sec. 2, page 2, line 40, by deleting "*(a)* When" and inserting:

"3. [When] *Except as otherwise provided in section 1 of this act, when*".

Amend sec. 2, page 2, by deleting lines 43 through 48 and inserting: "property described in subsection 1, [or where such property shall undergo any change whereby it shall be depreciated in value or entirely lost to the county, such property shall] *the property must* be classified as personal property, and not real estate.".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 584.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 612.
Amend section 1, page 1, by deleting lines 4 through 6 and inserting: "*prevention of suicide.*

2. The instruction must be provided to each pupil by the completion of grade 12 as a part of a required course of study.".
Amend the title of the bill, second line, by deleting "teenage".
Amend the summary of the bill, second line, by deleting "teenage".
Assemblyman Chowning moved the adoption of the amendment.
Remarks by Assemblyman Chowning.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 589.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 613.
Amend section 1, page 1, line 5, by deleting: "*a majority of*".
Amend the title of the bill, second line, by deleting: "a majority of".
Assemblyman de Braga moved the adoption of the amendment.
Remarks by Assemblyman de Braga.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 593.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 619.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 563.
Amend section 1, page 1, line 13, by deleting "*The*" and inserting: "*Except as otherwise limited in subsection 3, the*".
Assemblyman Garner moved the adoption of the amendment.
Remarks by Assemblyman Garner.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 114.
Bill read second time and ordered to third reading.

Senate Bill No. 206.
Bill read second time and ordered to third reading.

Senate Bill No. 282.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 500.

Amend section 1, page 1, by deleting line 8 and inserting:

"(b) Improvements, other than *nonresidential* buildings [,] *with more than 1,000 square feet in floor area,* made in state parks by the state".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 340.

Bill read second time and ordered to third reading.

Senate Bill No. 425.

Bill read second time and ordered to third reading.

Assembly Bill No. 494.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 592.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 8, following the enacting clause, to read as follows:

"Section 1. Chapter 90 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *"Securities exchange" means any organization, association or group of persons, incorporated or unincorporated, located within this state which constitutes, maintains or provides a marketplace, facilities or electronic communications equipment for bringing together purchasers and sellers of securities or for otherwise performing with respect to securities the functions commonly performed by a stock exchange as that term is generally understood. The term includes the marketplace, facilities and electronic communications equipment used by such an exchange.*

Sec. 3. *1. Except as otherwise provided in subsection 2, a person shall not operate a securities exchange in this state unless it has been registered with the securities division.*

2. A securities exchange which is registered with the United States Securities and Exchange Commission is exempt from the requirements for registration set forth in this section.

3. The administrator shall adopt regulations necessary to carry out the provisions of this section, including regulations prescribing:

(a) The fees for the registration of a securities exchange; and

(b) The bonding and minimum capitalization requirements for a securities exchange.

4. The administrator shall investigate the qualifications of each person who applies to the securities division for the registration of a securities exchange. The person shall pay the cost of the investigation.

5. The administrator may deny, suspend or revoke the registration of a securities exchange if the administrator determines that such action is in the public interest and any of the provisions of subsection 1 of NRS 90.420 are applicable to the person who applied for the registration of a securities exchange.

Sec. 4. *A securities exchange located in this state shall not allow the trading of a security in this state unless it is issued by a corporation which is incorporated in this state and which:*

1. Has created or maintained at least five full-time jobs in this state in the 12 months immediately preceding the listing of the security with the securities exchange;

2. Maintains at least five full-time jobs during the period the security is listed with the securities exchange; and

3. Has complied with the requirements of this chapter and any other applicable requirements of federal or state law.

Sec. 5. *Any transactions, solicitations or other activities directly related to the purchase, sale or other transfer of securities listed on a securities exchange located in this state may only be conducted within this state.*

Sec. 6. *The administrator may charge a fee not to exceed .25 percent of the total value of each transaction involving the purchase, sale or other transfer of a security conducted by a securities exchange located in this state.*

Sec. 7. *A broker-dealer or his representative shall not use a securities exchange to effect or report any transaction concerning a security unless the securities exchange is registered with the securities division or is exempt from the requirements for registration pursuant to section 3 of this act.*

Sec. 8. NRS 90.211 is hereby amended to read as follows:

90.211 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 90.215 to 90.305, inclusive, *and section 2 of this act,* have the meanings ascribed to them in those sections.''.

Amend the title of the bill to read as follows:

''An Act relating to securities; authorizing the administrator of the securities division of the office of the secretary of state to register securities exchanges located in this state; requiring the administrator to adopt regulations relating to the registration of those exchanges; providing penalties; and providing other matters properly relating thereto.''.

Amend the summary of the bill to read as follows:

''Summary—Provides for registration of securities exchanges located in Nevada. (BDR 7-1519)''.

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Arberry moved that the Assembly do not recede from its action on Senate Bill No. 238, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Arberry.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Giunchigliani, Humke and Evans as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 238.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 186, 205, 237, 377, 522; Assembly Joint Resolution No. 31; Assembly Concurrent Resolution No. 16; Senate Bill No. 369; Senate Joint Resolution No. 21 of the 66th Session.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. L. J. Semenza.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Maureen Brower.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Betty Jane Foley.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, June 1, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 11:34 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTY-FIFTH DAY

CARSON CITY (Tuesday), June 1, 1993

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ed Irvin.

Grant, O God, an island of calm in this moment in the midst of life's swift flowing stream. We begin our deliberations with an ancient word, "Be still and know that I am God." So refreshed, we face our agendas with confidence and thanksgiving in Thy Holy Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was re-referred Senate Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 365, 368, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 12, 78, 392, 393, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 655; Senate Joint Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 93, 96, 454.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 435, 454.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 402, 466.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 30.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators James, Titus and Smith as a first Committee on Conference concerning Senate Bill No. 321.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 123.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 402.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 435.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 454.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 466.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 196.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 646.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 14, following the enacting clause, to read as follows:

"Section 1. Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. *As used in sections 2 to 13, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act, have the meanings ascribed to them in those sections.*

Sec. 3. *"Calendar quarter" means a period of 3 consecutive months commencing on the first day of January, April, July or October in any year.*

Sec. 4. *"Charitable or nonprofit activity" means an activity in support of the arts, amateur athletics, peace officers or health or social services, or conducted for any benevolent, civic, educational, eleemosynary, fraternal, humanitarian, patriotic, political or religious purpose, including the operation of a qualified organization.*

Sec. 5. *"Net proceeds" means the total amount of money collected from charitable bingo games, less the total amount of money expended for prizes, supplies, advertising, promotion, printing, administration and other direct expenses necessary to operate charitable bingo.*

Sec. 6. *"Qualified organization" means a bona fide charitable, civic, educational, fraternal, patriotic, political, religious or veterans' organization that is not operated for profit.*

Sec. 7. *1. The board and commission shall administer the provisions of sections 2 to 13, inclusive, of this act for the protection of the public and in the public interest in accordance with the policy of this state.*

2. The commission, upon the recommendation of the board, may adopt such regulations as it deems desirable to enforce the provisions of sections 2 to 13, inclusive, of this act pursuant to the procedure set forth in NRS 463.145.

Sec. 8. *A qualified organization may operate a charitable bingo game without obtaining a license pursuant to NRS 463.160 if:*

1. The organization is approved by the executive director and the total value of all the prizes offered in charitable bingo games operated by the organization during the same calendar year does not exceed $500,000;

2. The organization registers with the executive director and the total value of all the prizes offered in charitable bingo games operated by the organization during the same calendar year does not exceed $50,000; or

3. The total value of the prizes offered in the charitable bingo games does not exceed $2,500 per calendar quarter.

Sec. 9. *1. The executive director shall:*

(a) Register a qualified organization that complies with the requirements of section 10 of this act.

(b) Approve a qualified organization if:

(1) The organization complies with the requirements of section 10 of this act; and

(2) The executive director determines that the approval of the organization would not be contrary to the public interest.

(c) Provide a qualified organization, within 60 days after its submission of an application pursuant to section 10 of this act, with written notification of the basis for any refusal by the executive director to register or approve the qualified organization pursuant to this section.

2. The registration or approval of a qualified organization is a revocable privilege. No person has any right to be registered or approved by the executive director or acquires any vested right upon being registered or approved by the executive director.

3. Unless earlier revoked, the registration or approval of a qualified organization is valid for the calendar year and expires on December 31.

Sec. 10. *1. To register with or request the approval of the executive director, a qualified organization must submit to him:*

(a) A written application containing:

(1) The name, address and nature of the organization.

(2) Proof that the organization is a qualified organization.

(3) The names of the officers or principals of the organization, and of any person responsible for the management, administration or supervision of the organization's charitable bingo games and any activities related to those bingo games.

(4) A description of all the prizes to be offered in charitable bingo games operated by the organization during the calendar year to which the application pertains and, if the approval of the executive director is required, a summary of the anticipated expenses of conducting those bingo games, including copies of any proposed agreements between the organization and any suppliers of material for the operation of those bingo games.

(5) A description of the intended use of the net proceeds of charitable bingo games operated by the organization during the calendar year to which the application pertains.

(6) The address of the location where charitable bingo games will be conducted by the organization during the calendar year to which the application pertains.

(7) A statement that charitable bingo games will be conducted in accordance with standards of honesty and integrity applicable to licensed bingo games in this state.

(8) Any other information the executive director deems appropriate.

(b) A nonrefundable fee of:

(1) For registration, $10; or

(2) For a request for approval, $25.

(c) If the qualified organization requests approval of the executive director, it must submit the fingerprints of its officers, principals and persons responsible for management of the bingo games, on forms approved by the executive director and must reimburse the board for its costs incurred in submitting the fingerprints for review.

2. A qualified organization shall submit such additional information as necessary to correct or complete any information submitted pursuant to this section that becomes inaccurate or incomplete. The approval of a qualified organization is suspended during the period that any of the information is inaccurate or incomplete. The executive director may reinstate the approval of the organization only after all information has been corrected and completed.

3. The money collected pursuant to this section must be expended to administer and enforce the provisions of sections 2 to 13, inclusive, of this act.

Sec. 11. *1. The commission may, upon recommendation of the board, require:*

(a) A qualified organization that registers with or requests the approval of the executive director to file an application pursuant to this chapter for a finding of suitability to operate charitable bingo in this state.

(b) Any person who is employed by, a member of, a supplier of or otherwise associated with such an organization to file an application pursuant to this chapter for a finding of suitability to be associated with the operation of charitable bingo in this state.

2. The commission may revoke the registration or approval of a qualified organization if:

(a) An application for a finding of suitability is not submitted to the board within 30 days after the qualified organization receives written notice that it is required pursuant to paragraph (a) of subsection 1 to file an application for a finding of suitability.

(b) The qualified organization is found unsuitable to operate charitable bingo in this state.

(c) A complete application for a finding of suitability is not submitted to the board or the association of the person with the organization is not terminated, within 30 days after the qualified organization receives written notice that an associated person is required pursuant to paragraph (b) of subsection 1 to file an application for a finding of suitability.

(d) The associated person is found unsuitable to be associated with the operation of charitable bingo in this state and the qualified organization does not terminate its association with that person within 30 days after receiving written notice of the finding of unsuitability. Every contract or agreement for personal services to a qualified organization or for the conduct of any activity relating to the operation of charitable bingo shall be deemed to include a provision for its termination without liability on the part of the qualified organization upon a finding by the commission that the person is unsuitable to be associated with a qualified organization. Failure expressly to include such a condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement.

Sec. 12. *A qualified organization shall not:*

1. Compensate any person for the provision of prizes and supplies used in the operation of charitable bingo in an amount that exceeds the fair market value of the prizes and supplies necessary for the operation of charitable bingo.

2. Provide:

(a) Any compensation to a person who is not a regular employee of the organization; and

(b) Any additional compensation to a person who is a regular employee of the organization,

for his services in organizing or operating charitable bingo or assisting in

the organization or operation of charitable bingo. This subsection does not prohibit a qualified organization from compensating a person for the fair market value of services that are ancillary to the organization or operation of charitable bingo.

Sec. 13. *1. A qualified organization shall expend the net proceeds of charitable bingo only for the benefit of charitable or nonprofit activities in this state.*

2. On or before February 1 of each year, a qualified organization approved by the executive director shall, submit to the executive director a financial report on its charitable bingo activities for the preceding calendar year. The financial report must include a statement of:

(a) The expenses incurred in the operation of charitable bingo games; and

(b) The amount and use of the net proceeds of charitable bingo games.

Sec. 14. NRS 463.409 is hereby amended to read as follows:

463.409 [The] *Except as otherwise provided in sections 2 through 13, inclusive, of this act, the* board may approve the operation of a game or games by a charitable or educational organization subject to such conditions and limitations as the board may impose, but no such approval shall be given by the board for the operation of a game or games for more than one event or function conducted or sponsored by one charitable or educational organization during any 1 *calendar* quarter . [calendar year.]".

Amend the title of the bill to read as follows:

"An Act relating to gaming; authorizing the operation of charitable bingo by qualified organizations; providing for its regulation; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes operation of charitable bingo by qualified organizations. (BDR 41-1007)".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 244.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 475.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 7, following the enacting clause, to read as follows:

"Section 1. Chapter 200 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *The legislature finds and declares that:*

1. This state has a compelling interest in assuring that the victim of a sexual assault:

(a) Reports the assault to the appropriate authorities;

(b) Cooperates in the investigation and prosecution of the assault; and

(c) Testifies at the criminal trial of the person charged with committing the assault.

2. The fear of public identification and invasion of privacy are fundamental concerns for the victims of sexual assault. If these concerns are not addressed and the victims are left unprotected, the victims may refrain from reporting and prosecuting sexual assaults.

3. A victim of a sexual assault may be harassed, intimidated and psychologically harmed by a public report that identifies the victim. A sexual assault is, in many ways, a unique, distinctive and intrusive personal trauma. The consequences of identification are often additional psychological trauma and the public disclosure of private personal experiences.

4. Recent public criminal trials have focused attention on these issues and have dramatized the need for basic protections for the victims of sexual assault.

5. The public has no overriding need to know the individual identity of the victim of a sexual assault.

6. The purpose of sections 3 to 6, inclusive, of this act is to protect the victims of sexual assault from harassment, intimidation, psychological trauma and the unwarranted invasion of their privacy by prohibiting the disclosure of their identities to the public.

Sec. 3. *1. Except as otherwise provided in this section, all:*

(a) Court records, including testimony from witnesses;

(b) Intelligence or investigative information, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the central repository for Nevada records of criminal history,

concerning a sexual assault, which include the photograph, likeness, name, address, telephone number or other fact or information that reveals the identity of the victim of the sexual assault are confidential.

2. A defendant charged with a sexual assault and his attorney are entitled to all identifying information concerning the victim in order to prepare the defense of the defendant. The defendant and his attorney shall not disclose this information except, as necessary, to those persons directly involved in the preparation of the defense.

3. A court of competent jurisdiction may authorize the release of the identifying information, upon application, if the court determines that:

(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the disclosure;

(b) The disclosure will not place the victim at risk of personal harm; and

(c) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

4. Nothing in this section prohibits:

(a) Any publication or broadcast by the media concerning a sexual assault.

(b) The disclosure of identifying information to any nonprofit organization or public agency whose purpose is to provide counseling, services for the management of crises or other assistance to the victims of crimes if:

(1) The organization or agency needs identifying information of victims to offer such services; and

(2) The court or a law enforcement agency approves the organization or agency for the receipt of the identifying information.

5. The willful violation of any provision of this section or the willful neglect or refusal to obey any court order made pursuant thereto is punishable as criminal contempt.

Sec. 4. *1. A victim of a sexual assault may choose a pseudonym to be used instead of the victim's name on all files, records and documents pertaining to the sexual assault, including, without limitation, criminal intelligence and investigative reports, court records and media releases.*

2. A victim who chooses to use a pseudonym shall file a form to choose a pseudonym with the law enforcement agency investigating the offense. The form must be provided by the law enforcement agency.

3. If the victim files a form to use a pseudonym, as soon as practicable the law enforcement agency shall:

(a) Substitute the pseudonym for the name of the victim on all reports, files and records in the agency's possession; and

(b) Notify the prosecuting attorney of the pseudonym.

The law enforcement agency shall maintain the form in a manner that protects the confidentiality of the information contained therein.

4. Upon notification that a victim has elected to be designated by a pseudonym, the court shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the sexual assault.

5. The information contained on the form to choose a pseudonym concerning the actual identity of the victim is confidential and must not be disclosed to any person other than the defendant or his attorney unless a court of competent jurisdiction orders the disclosure of the information. The disclosure of information to a defendant or his attorney is subject to the conditions and restrictions specified in subsection 2 of section 3 of this act. A person who violates this subsection is guilty of a misdemeanor.

6. A court of competent jurisdiction may order the disclosure of the information contained on the form only if it finds that the information is essential in the trial of the defendant accused of the sexual assault or the identity of the victim is at issue.

Sec. 5. *1. A public officer or employee who has access to any records, files or other documents which include the photograph, likeness, name, address, telephone number or other fact or information that reveals the identity of a victim of a sexual assault shall not intentionally or knowingly disclose the identifying information to any person other than:*

(a) The defendant or his attorney;

(b) A person who is directly involved in the investigation, prosecution or defense of the case;

(c) A person specifically named in a court order issued pursuant to section 3 of this act; or

(d) A nonprofit organization or public agency approved to receive the information pursuant to section 3 of this act.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 6. *The provisions of sections 3, 4 and 5 of this act do not apply if the victim of the sexual assault voluntarily waives, in writing, the confidentiality of the information concerning the victim's identity.*

Sec. 7. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

A person who has suffered injury as the proximate result of a violation of the provisions of sections 3 to 6, inclusive, of this act may bring an action for the recovery of his actual damages and any punitive damages which the facts may warrant.".

Amend the title of the bill to read as follows:

"An Act relating to victims of crimes; providing that identifying information concerning the victim of a sexual assault is confidential; prohibiting the disclosure of such information; providing exceptions; authorizing a civil action against persons who unlawfully disclose such information; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes identifying information concerning victim of sexual assault confidential. (BDR 15-11)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 312.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 473.

Amend section 1, page 1, by deleting lines 19 and 20 and inserting "*policies;*".

Amend section 1, page 2, by deleting lines 26 through 29 and inserting:

"5. The commission may in its discretion grant a license to:

(a) A publicly traded corporation which has complied with the provisions of NRS 463.500 and 463.625 to 463.643, inclusive;

(b) Any other corporation which has complied with the provisions of NRS 463.490 to 463.530, inclusive; and

(c) A limited".

Amend section 1, page 2, line 32, by deleting "7." and inserting "6.".

Amend section 1, page 2, line 39, by deleting "8." and inserting "7.".

Amend section 1, page 2, line 41, by deleting "tion" and inserting: "tion, other than a publicly traded corporation,".

Amend the bill as a whole by adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. Chapter 614 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If, as a result of a dispute arising in the negotiation of a collective bargaining agreement between a licensee and its employees, 250 or more of those employees engage in a work stoppage against the licensee for 90 consecutive days, and:

(a) The work stoppage is not prohibited by federal law; and

(b) The dispute has not already been submitted to binding arbitration,

the commission shall order the licensee and any labor organizations representing the employees of the licensee to submit the dispute to binding arbitration. Except as otherwise provided in subsection 3, an arbitration ordered pursuant to this section must be conducted under the rules for labor arbitration of the American Arbitration Association.

2. The commission may, as part of an order entered pursuant to subsection 1, order:

(a) The termination of the work stoppage; and

(b) The return of any employees to the positions of employment they occupied before the dispute arose.

3. The commission shall monitor the arbitration of the dispute and, except as otherwise provided in this subsection, may order the licensee and labor organizations to perform any acts it deems appropriate to avoid any unnecessary delay of the arbitration and to expedite the resolution of the dispute, including, without limitation:

(a) Setting any dates for hearings, briefings and the issuance of a decision by the arbitrator, upon which the parties to the arbitration have been unable to agree.

(b) Requiring the parties to the arbitration to present their arguments orally and without the submission of written briefs.

The commission shall not propose any terms for inclusion in a collective bargaining agreement between the licensee and any of its employees.

4. A licensee and any labor organizations representing employees of a licensee shall promptly comply with any orders the commission enters pursuant to this section.

5. As used in this section:

(a) "Commission" means the Nevada gaming commission.

(b) "Licensee" has the meaning ascribed to it in NRS 463.0171.

Sec. 3. 1. This section and section 1 of this act become effective on October 1, 1993.

2. Section 2 of this act becomes effective when the provisions of that section are not preempted or otherwise prohibited by federal law.".

Amend the title of the bill, second line, after "suitability;" by inserting: "requiring the binding arbitration of certain disputes between gaming licensees and their employees;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to gaming licensees. (BDR 41-383)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 432.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 561.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 626.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 647.
Amend the bill as a whole by adding new sections designated sections 8 and 9, following sec. 7, to read as follows:
"Sec. 8. Section 15 of Senate Bill No. 242 of this session is hereby amended to read as follows:
Sec. 15. NRS 463.650 is hereby amended to read as follows:
463.650 1. Except as otherwise provided in subsections 2 [, 3 and 4,] *to 5, inclusive,* it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to operate, carry on, conduct or maintain any form of manufacture, selling or distribution of any gaming device or cashless wagering system for use or play in Nevada or for distribution outside of Nevada without first procuring and maintaining all required federal, state, county and municipal licenses.
2. A lessor who specifically acquires equipment for a capital lease is not required to be licensed under this section or NRS 463.660.
3. The holder of a state gaming license or the holding company of a corporate licensee may, within 2 years after cessation of business or upon specific approval by the board, dispose of by sale in a manner approved by the board, any or all of its gaming devices, including slot machines, and cashless wagering systems, without a distributor's license. In cases of bankruptcy of a state gaming licensee or foreclosure of a lien by a bank or other person holding a security interest for which gaming devices are security in whole or in part for the lien, the board may authorize the disposition of the gaming devices without requiring a distributor's license.
4. The commission may, by regulation, authorize a person who owns slot machines for home use in accordance with subsection 3 of NRS 463.160 to sell such devices without procuring a license therefor.
5. *Upon approval by the board, a gaming device owned by:*
(a) A law enforcement agency;
(b) A court of law; or
(c) A gaming device repair school licensed by the commission on post-secondary education,
may be disposed of by sale, in a manner approved by the board, without a distributor's license. An application for approval must be submitted to the board in the manner prescribed by the chairman.

6. Any person whom the commission determines is a suitable person to receive a license under the provisions of this section and NRS 463.660 may be issued a manufacturer's or distributor's license. The burden of proving his qualification to receive or hold a license under this section and NRS 463.660 is at all times on the applicant or licensee.

[6.] *7.* Every person who must be licensed pursuant to this section is subject to the provisions of NRS 463.482 to 463.645, inclusive, unless exempted from those provisions by the commission.

[7.] *8.* The commission may exempt, for any purpose, a manufacturer, seller or distributor from the provisions of NRS 463.482 to 463.645, inclusive, if the commission determines that the exemption is consistent with the purposes of this chapter.

[8.] *9.* As used in this section, "holding company" has the meaning ascribed to it in NRS 463.485.

Sec. 9. This act becomes effective upon passage and approval.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 661.

Bill read second time, ordered engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 4.

Bill read third time.

Remarks by Assemblymen Price and Anderson.

Roll call on Assembly Bill No. 4:

YEAS—42.

NAYS—None.

Assembly Bill No. 4 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 18.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 597.

Amend the bill as a whole by deleting sections 1 through 13 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 284.3621 is hereby amended to read as follows:

"284.3621 1. Each appointing authority may establish an account for catastrophic leave.

2. An employee of an appointing authority may request, in writing, that a specified number of hours of his accrued annual or sick leave be transferred from his account to the account for catastrophic leave.

3. An employee may not transfer to the account for catastrophic leave any hours of sick leave if the balance in his account after the transfer is less than 240 hours.

4. The maximum number of hours which may be transferred *by an employee* in any 1 calendar year is [80.] *120.* The minimum number of hours which may be transferred in any 1 calendar year is 8. [The employee may transfer hours to the account for catastrophic leave for use by a particular employee who is eligible to receive them.]

5. *An employee may transfer hours to any such account for catastrophic leave for use by a particular employee in any branch of state government who is eligible to receive them. A record of the source and number of hours of leave transferred among different appointing authorities for this purpose and the date of the transfer must be maintained by each appointing authority. Leave transferred in excess of the amount approved for use by a particular employee must be returned to the employee's account from which it originated. The commission shall, by regulation, determine the procedure to return excess leave.*

6. Any hours of annual or sick leave which are transferred from any employee's account to the account for catastrophic leave *and not designated for use by a particular employee* may not be returned or restored to [that] *the originating* employee. This subsection does not prevent the employee from receiving leave pursuant to NRS 284.3622.

Sec. 2. Section 10 of chapter 334, Statutes of Nevada 1989, at page 694, is hereby repealed.

Sec. 3. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"An Act relating to catastrophic leave; broadening the authorized transfers by state employees into accounts for catastrophic leave; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions regarding accounts for catastrophic leave. (BDR 23-474)".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 192.

Bill read third time.

Remarks by Assemblyman Wendell Williams.

Roll call on Assembly Bill No. 192:

YEAS—42.

NAYS—None.

Assembly Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 485 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 135 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Bache.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 431.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Assembly Bill No. 431:

YEAS—42.

NAYS—None.

Assembly Bill No. 431 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 593.

Bill read third time.

Remarks by Assemblymen Perkins, Lambert, Toomin, Augustine, Wendell Williams, Gibbons, Bache, Garner, Collins, Haller and Price.

Conflict of interest declared by Assemblyman Perkins.

Assemblymen Myrna Williams, Marvel and Garner moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 593.

Roll call on Assembly Bill No. 593:

YEAS—30.

NAYS—Augustine, Carpenter, Ernaut, Evans, Gibbons, Haller, Humke, Lambert, Scherer, Tiffany, Toomin, Wendell Williams—12.

Assembly Bill No. 593 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 601.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 601:

YEAS—42.

NAYS—None.

Assembly Bill No. 601 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 617.
Bill read third time.
Remarks by Assemblyman Gregory.
Roll call on Assembly Bill No. 617:

YEAS—42.
NAYS—None.

Assembly Bill No. 617 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 114.
Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Senate Bill No. 114:

YEAS—42.
NAYS—None.

Senate Bill No. 114 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 206.
Bill read third time.
Remarks by Assemblymen McGaughey and Lambert.
Conflict of interest declared by Assemblyman Lambert.
Roll call on Senate Bill No. 206:

YEAS—41.
NAYS—None.
Not voting—Lambert.

Senate Bill No. 206 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 340.
Bill read third time.
Remarks by Assemblyman Neighbors.
Roll call on Senate Bill No. 340:

YEAS—42.
NAYS—None.

Senate Bill No. 340 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 425.
Bill read third time.
Remarks by Assemblymen Garner and Spitler.
Conflict of interest declared by Assemblyman Spitler.

Roll call on Senate Bill No. 425:

YEAS—41.

NAYS—None.

Not voting—Spitler.

Senate Bill No. 425 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 135.

Bill read third time.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 648.

Amend section 1, page 1, by deleting lines 24 and 25 and inserting:

"*3. An employer shall not maintain a secret record of employment regarding an employee. This subsection does not preclude an employer from maintaining a confidential investigative file regarding an employee.*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 40.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 40.

Assemblyman Heller moved the adoption of the resolution.

Remarks by Assemblymen Heller, Evans and Price.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HELLER:

Thank you, Mr. Speaker. To many members of this chamber, Pat Bates distinguished herself as a true humanitarian and leader in this state. To that extent, she was a recipient of numerous awards. Such awards, as mentioned in the resolution, were Woman of the Year and Woman of Power. In 1990, she was recognized by Governor Bob Miller for 25 years devoted toward the treatment of persons and families affected by substance abuse. Today, we may anguish over Pat's death, but tomorrow we will remember Pat for her strength and power in serving others and what a testimony she was to us in these chambers as to what true leadership is all about.

Mr. Speaker, in preparing some of these remarks, I ran into a friend of Pat's, Patt Quinn-Davis. She was a columnist at the local *Nevada Appeal.* Patt wanted to enter some remarks. In the interest of time, I would like to read a paragraph of what Patt had to say. Patt Quinn-Davis is now the editor of the *Daily Democrat* in Woodland, California. Patt says, "Often, my friend, my mentor, Pat Bates, told me that if I did not like how something was, then change it. That simple statement was a thread that wove itself through Pat's personal life, her professional life and public life. Pat worked tirelessly

from her belief in change to bring relief, perhaps peace, always some hope to those who entered the doors of her clinic. It wasn't that Pat treated her patients gently. She was tough, requiring the strict regimen of individual and group therapy at the nightly AA meetings. Wrapped in Pat's toughness was an ironclad devotion to those she counseled. They knew she would never let them go and she would never give up on them." Thank you, Mr. Speaker.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I, too, rise in support of Senate Concurrent Resolution No. 40. I first met Pat Bates during the 1981 session. We were both doing advocacy work. It was my first session. Pat became my friend and very much a teacher about the process and the people in this building. As we look at the Nevada Revised Statutes, we see Pat's imprint everywhere when it comes to drug and alcohol abuse prevention and treatment programs. No one was a greater advocate for these programs. We all deeply regret that her illness has taken her from us prematurely. We miss her.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you to this honorable body, I rise in support of Senate Concurrent Resolution No. 40. I had the pleasure of meeting Pat in 1975. I was involved in various programs that she worked on. She was truly a wonderful, wonderful lady. Pat had such a heart. Over the years, we kept in contact. I was very saddened by her passing. I do not think enough could be said about her. She was certainly one of the fine Nevadans who served her community and state with all her heart and body. I think it is very appropriate today that we should be honoring her memory.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 693—An Act relating to appraisers of real estate; revising certain requirements for licensing; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Commerce.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:12 p.m.

ASSEMBLY IN SESSION

At 12:27 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Scherer:

Assembly Bill No. 694—An Act relating to education; revising the statutory provisions establishing the requirements to obtain a license to teach in Nevada; requiring the acceptance of certain courses in occupational education in lieu of certain academic courses which are prerequisites for graduation from high school; and providing other matters properly relating thereto.

Assemblyman Scherer moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Arberry:

Assembly Bill No. 695—An Act relating to school buses; requiring that school buses used by school districts be equipped with safety belts for use by pupils; eliminating the exemption for school buses from the requirement that passengers in motor vehicles wear a safety belt; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 696—An Act creating the Tricounty Railway Commission of Carson City and Lyon and Storey counties; providing for the appointment, number, terms, reimbursement, powers and duties of the commissioners; specifying the powers of the commission; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 697—An Act relating to state financial administration; requiring the department of taxation to impose fees for the assessment, collection and distribution of certain property taxes by the department; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 698—An Act relating to motor vehicles; authorizing the department of motor vehicles and public safety to issue special license plates and registration certificates for collectible passenger cars and trucks; exempting certain vehicles from the payment of the fee for registration; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 699—An Act relating to libraries; providing for the levy of a tax ad valorem, if approved by the voters, that is exempt from the limits upon the amount of revenue received by a local government; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 700—An Act relating to employment practices; prohibiting certain employers from requesting an applicant to submit to testing for the presence of a drug or alcohol; limiting the circumstances under which those employers may request an employee to submit to testing for the presence of a drug or alcohol; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 701—An Act relating to compensation; prohibiting an employer from applying any tips or gratuities bestowed upon an employee as a credit toward the payment of wages to any employee; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 702—An Act relating to industrial insurance; requiring the department of industrial relations to certify and regulate self-insured employers and claims examiners; authorizing the department to make assessments against insurers to defray the costs of the certification and regulation; requiring the division of preventative safety of the department of industrial relations to ensure that a program relating to safety is administered to new businesses; requiring state agencies and local governments to establish certain programs relating to safety and injured employees; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 703—An Act relating to public employees; limiting the surveillance of public employees by their employers by means of mechanical or electronic devices at the place of employment; authorizing the monitoring of telephone and computer use of the employee upon notice; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 704—An Act relating to organ transplants; creating the trust account for children needing organ transplants; authorizing grants of money from the trust account to assist children who need transplants; allowing the voluntary allocation of a portion of the quarterly payment of the business tax to the trust account; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Concurrent Committees on Health and Human Services and Taxation.

Motion carried.

UNFINISHED BUSINESS

Consideration of Senate Amendments

Assembly Bill No. 375.

The following Senate amendment was read:

Amendment No. 466.

Amend section 1, page 2, line 25, by deleting "*In*" and inserting: "*Except as otherwise provided in this subsection, in*".

Amend section 1, page 2, line 29, after the period by inserting: "*If the rating system used in the state in which the employer previously conducted business is not comparable to the rating system adopted by the manager pursuant to this section, the manager shall not take into account the employer's experience in the other state to determine and fix his premium rate unless the employer presents evidence of the rating that would have been assigned to him by that state if it had been calculated using the rating system adopted by the manager pursuant to this section.*".

Amend the title of the bill, second line, by deleting "state;" and inserting: "state under certain circumstances;".

Amend the summary of the bill, second line, by deleting the period and inserting: "under certain circumstances.".

Assemblyman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 375.

Remarks by Assemblyman Giunchigliani.

Motion carried.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 199, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 3, which is attached to and hereby made a part of this report.

ROBERT M. SADER	MARK A. JAMES
WILLIAM DAVID GREGORY	MIKE MCGINNESS
GENE T. PORTER	RAYMOND C. SHAFFER
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 3.

Amend the bill as a whole by renumbering sec. 7 as sec. 8 and adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as limited by subsection 2, justices' courts have jurisdiction of the following civil actions and proceedings and no others except as provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $5,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $5,000.

(c) Except as otherwise provided in paragraph (l) in actions for a fine, penalty or forfeiture not exceeding $5,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $5,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $5,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $5,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $5,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $5,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $5,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $5,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $5,000.

(l) In actions for a fine imposed for a violation of NRS 484.757.

(m) Except in a judicial district that includes a county whose population is 100,000 or more, in any action for the issuance of a temporary or extended order for protection against domestic violence.

(n) In small claims actions under the provisions of chapter 73 of NRS.

(o) In actions to contest the validity of liens on mobile homes or manufactured homes.

(p) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justices' courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute.

4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada highway patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice's court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.".

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 199.

Remarks by Assemblyman Sader.

Motion carried.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 194, 402, 438, 441, 443; Senate Bills Nos. 30, 314; Senate Concurrent Resolution No. 39.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Marilyn Brown, Messrs. John Sanderson and Gibb Hill.

On request of Assemblyman Augustine, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Philip Alfano, Mss. Katherine Alfano and Dallas Augustine.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Don Fabbi and Ms. Patricia Saye.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Reid Meyer and Mrs. Mary Jo Meyer.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Tracy Mueller, Cheryl Mueller-Worthington, Susi Combs, Messrs. Michael Davis and Jason Perkins.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Pete Bengochea.

On request of Assemblyman Myrna Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Karen Hovsepian.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, June 2, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:37 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTY-SIXTH DAY

CARSON CITY (Wednesday), June 2, 1993

Assembly called to order at 11:05 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Scott Parker.

O Heavenly Father, in light of all the pressing concerns and difficult issues these women and men face, I ask that You would give them the wisdom of Solomon so that this state would prosper under their leadership. Also, grant them peace and bless them for the time that they invest for us here, at great expense to their families and jobs. I thank You for their labor and commit them into Your hands. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Bennett moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 191, 476.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 273, 442.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 365.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Donnell, Jacobsen and Coffin as a first Committee on Conference concerning Senate Bill No. 238.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Jacobsen, Rawson and Glomb as a first Committee on Conference concerning Senate Bill No. 306.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Government Affairs:

Assembly Joint Resolution No. 34—Proposing to amend the constitution of the State of Nevada to authorize the legislature to consolidate local governments in the largest county.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 4 of the constitution of the State of Nevada to read as follows:

Sec. 38. 1. Notwithstanding the general provisions of sections 20, 25, 26, and 36 of this article, the legislature may by law consolidate into one municipal government, with one set of officers, the most populous county of this state and the most populous city in that county, and may include one or more other cities in the consolidation.

2. The consolidated municipality shall be considered as a county for the purpose of representation in the legislature, shall have all the powers conferred upon counties by this constitution or by general law, and shall have such other powers as may be conferred by its charter.

3. Notwithstanding the general provisions of section 1 of article 10, the legislature may create two or more separate taxing districts within the consolidated municipality.

4. A law enacted pursuant to this section must not be invalidated after proper enactment solely on the basis that the consolidated county is no longer the most populous in the state, if it was the most populous county at the time of enactment.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 705—An Act relating to evidence; providing that the proceedings and records of committees which review the quality of medical and dental care are inadmissible evidence; providing limited exceptions to the exclusion of this evidence under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bennett moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 706—An Act relating to counties; authorizing a county to form a district to defray the cost of improving an airport; providing for the imposition of a tax on the revenue from the rental of transient lodging for the support of the district; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 707—An Act relating to administrative law; making various changes to the Nevada Administrative Procedure Act; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 708—An Act relating to the redevelopment of urban areas; including the provision of affordable housing as a purpose of a redevelopment area; requiring certain redevelopment areas to provide housing for persons with low incomes; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 709—An Act relating to veterans; naming the veterans' cemetery in southern Nevada the Ken Brown Veterans' Memorial Cemetery of Southern Nevada; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 710—An Act relating to water; authorizing the Las Vegas Valley Water District to impose a water resource development fee for use by the Southern Nevada Water Authority; providing limitations on the imposition and use of such a fee; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 711—An Act relating to criminal procedure; allowing the joinder of offenses in a complaint; requiring the prosecuting attorney to provide the names of intended witnesses on an indictment when filed; making various changes relating to pleas; requiring that certain motions be heard promptly; revising the definition of "handicapped person" for the purposes of provisions relating to interpreters; revising certain provisions concerning abuse and neglect of children; making various other changes relating to criminal procedure; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 712—An Act relating to criminal offenders; providing for the forfeiture of credit for good time served for commencing a frivolous civil action; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 273.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 365.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 442.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:14 a.m.

ASSEMBLY IN SESSION

At 11:26 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 713—An Act relating to motor vehicle insurance; requiring that a policy of liability insurance covering a motor vehicle provide for the partial rebate of the premium paid for the policy for a person who does not make a claim for an extended period; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 714—An Act relating to insurance claims; requiring a salaried employee of an insurer to be certified before he investigates or settles an insurance claim; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 715—An Act relating to the excavation of streets; requiring a contractor who excavates a street to facilitate a construction project to furnish a performance bond to ensure the adequate restoration of the street upon the completion of the project; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 716—An Act relating to architects; requiring a person who claims any of certain exemptions from the provisions relating to architects to file an affidavit asserting the basis for the exemption when obtaining a building permit; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 365.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 510.

Amend sec. 2, page 1, line 8, after "*costs and*" by inserting "*reasonable*".

Amend sec. 3, page 1, line 11, by deleting "*is*" and inserting: "*and his employer are*".

Amend sec. 5, page 2, by deleting lines 7 and 8 and inserting: "obtained for that purpose from the county clerk of any county in the state. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.".

Amend the bill as a whole by adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. Section 5 of this act becomes effective at 12:01 a.m. on October 1, 1993.".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 368.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 626.

Amend the bill as a whole by deleting sections 5 through 7 and renumbering sec. 8 as sec. 5.

Amend the bill as a whole by renumbering sections 9 through 13 as sections 7 through 11 and adding a new section designated sec. 6, following sec. 8, to read as follows:

"Sec. 6. NRS 225.140 is hereby amended to read as follows:

225.140 1. In addition to other fees authorized by law, the secretary of state shall charge and collect the following fees:

For a copy of any law, joint resolution, transcript of record, or other paper on file or of record in his office, other than a document required to be filed pursuant to Title 24 of NRS, per page	$1
[For a copy of any document required to be filed pursuant to Title 24 of NRS, per page	$.50]
For certifying to any such copy and use of the state seal, for each impression	5
For registering a mark, insignia or name	25
For the delivery of an attested certificate of the record of the registration of a mark, insignia or name	5
For each passport or other document signed by the governor and attested by the secretary of state	10
For a negotiable instrument returned unpaid	10

2. The secretary of state:

(a) Shall charge a reasonable fee for searching records and documents kept in his office.

(b) May charge or collect any filing or other fees for services rendered by him to the State of Nevada, any local governmental agency or agency of the Federal Government, or any officer thereof in his official capacity or respecting his office or official duties.

(c) May not charge or collect a filing or other fee for:

(1) Attesting extradition papers or executive warrants for other states.

(2) Any commission or appointment issued or made by the governor, either for the use of the state seal or otherwise.

(d) May charge a reasonable fee, not to exceed $100, for providing special services including, but not limited to, providing service on the day it is requested or within 24 hours, accepting documents filed by telecopier, and other use of new technology.

3. All fees collected pursuant to paragraph (d) of subsection 2 must be deposited with the state treasurer for credit to the account for special services of the secretary of state in the state general fund. Any amount remaining in the account at the end of a fiscal year must be carried forward into the next fiscal year. Money in the account may be transferred to the secretary of state's operating general fund budget account and must only be used to create and maintain the capability of the office of the secretary of state to provide special services, including, but not limited to, providing service:

(a) On the day it is requested or within 24 hours; or

(b) Necessary to increase or maintain the efficiency of the office.

Any transfer of money from the account for expenditure by the secretary of state must be approved by the interim finance committee.".

Amend sec. 9, page 7, by deleting lines 29 and 30 and inserting: "names the state or that city or town as beneficiary;

(3) Imposes a lien in favor of the state or that city or town; or

(4) Is a notice of the pendency of an action in eminent domain filed by the state pursuant to NRS 37.060.".

Amend sec. 9, page 7, line 34, by deleting "must" and inserting "shall".

Amend the bill as a whole by adding a new section designated sec. 12, following sec. 13, to read as follows:

"Sec. 12. This act becomes effective on January 1, 1994.".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 655.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 618.

Amend section 1, page 1, line 7, by deleting the brackets.

Amend section 1, page 1, by deleting lines 9 through 13 and inserting "liability.".

Amend section 1, page 1, line 17, by deleting the open bracket.

Amend section 1, page 1, by deleting lines 18 through 24 and inserting: "the recipient or his successors in interest may be joined as third party defendants.".

Amend section 1, page 2, line 6, by deleting "*before:*" and inserting: "*at such time as:*".

Amend section 1, page 2, line 15, by deleting "*A person*" and inserting: "*Except if extraordinary circumstances exist, a person*".

Amend the title of the bill by deleting the first and second lines and inserting:

"An Act relating to medically indigent persons; revising the".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions relating to state lien on recovery of proceeds from person liable for illness or injury of recipient of assistance to medically indigent. (BDR 38-746)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 12.

Bill read second time and ordered to third reading.

Senate Bill No. 78.

Bill read second time and ordered to third reading.

Senate Bill No. 392.

Bill read second time and ordered to third reading.

Senate Bill No. 393.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 2.

Resolution read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 680.

Amend the resolution, page 1, by deleting lines 16 through 19 and inserting: "*personally or through a representative, to be:*

(a) Informed, upon written request, of the status or disposition of a criminal proceeding at any stage of the proceeding;

(b) Present at all public hearings involving the critical stages of a criminal proceeding; and

(c) Heard at all proceedings for the sentencing or release of a convicted person after trial.

3. Except as otherwise provided in subsection 4, no person may maintain an action against the state or any public officer or employee for damages or injunctive, declaratory or other legal or equitable relief on behalf of a victim of a crime as a result of a violation of any statute enacted by the legislature pursuant to subsection 2. No such violation authorizes setting aside a conviction or sentence or continuing or postponing a criminal proceeding.

4. A person may maintain an action to compel a public officer or employee to carry out any duty required by the legislature pursuant to subsection 2.".

Amend the resolution, page 1, line 20, by deleting "*3.*" and inserting "*5.*".

Amend the resolution, page 1, line 22, by deleting "*4.*" and inserting "*6.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Resolution ordered reprinted, re-engrossed and to third reading.

Senate Joint Resolution No. 7.

Resolution read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 682.

Amend the resolution, page 1, by deleting lines 27 and 28 and inserting: "of five legislators to continue the review of the Tahoe".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblymen Marvel, Freeman and Myrna Williams.

Amendment adopted.

Resolution ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Gibbons moved that Senate Bill No. 118 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Gibbons.

Motion carried.

Assemblyman Giunchigliani moved that Senate Bill No. 210 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Giunchigliani.

Motion carried.

By the Committee on Ways and Means:

Assembly Joint Resolution No. 35—Proposing to amend the Nevada constitution to allow the investment of state money to stimulate economic development.

WHEREAS, Emerging competition in other states and federally regulated territories threaten the State of Nevada's long-term growth in its vital gaming industry; and

WHEREAS, Finance programs necessary to assure business expansion and high quality job growth do not currently provide Nevada's business sector with adequate access to those types of money and capital essential to support the growth of a diversified economic base; and

WHEREAS, The Nevada constitution currently contains restrictions, based on conditions existing in the 19th century, that have prevented the Legislature from considering legislation similar to laws enacted in several other states, which would permit prudently managed investments in public-private partnerships and corporations designed to provide needed sources of capital for high quality, job-creating businesses within Nevada that cannot feasibly obtain such financing from existing private financial markets in an easily accessible and efficient manner; and

WHEREAS, The State of Nevada must remain competitive with other states in providing the necessary financial tools to attract the types of businesses and industries that would diversify Nevada's economic base and improve the standard of living for Nevada's citizens; and

WHEREAS, The benefits to be derived from a strong economic development effort throughout the state may be jeopardized if current restrictions in the Nevada constitution are not replaced with more flexible and contemporary standards that both protect public investments in economic development projects and provide access to the type of financing needed to stimulate the growth of businesses and industries throughout the state which will provide the high quality jobs, increased property values, and enhanced standard of living desired by Nevadans; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 9 of article 8 of the constitution of the State of Nevada is hereby amended to read as follows:

[Sec: 9. The]

Sec. 9. 1. Except as otherwise provided in subsections 2 and 3, the State shall not donate or loan money [,] or its credit [,] *to, or* subscribe to or be [,] interested in the Stock of any company, association, or corporation . [, except] *2. The legislature may by law, approved by a vote of two-thirds of the members elected to each house, authorize the investment of state money in a company, association or corporation subject to the following conditions:*

(a) Before any investment is authorized, a determination must be made, by a person or entity designated in the authorizing legislation, that:

(1) The investment is for the economic development of this state or the creation of new employment opportunities in this state;

(2) The state can reasonably expect to achieve a reasonable rate of return on the investment, adjusted for the relative degree of risk; and

(b) Each investment by the state must be made through a cooperative venture with private investors of reasonable sophistication who participate in the venture on terms that are the same as or less favorable than the terms on which the state is participating.

Revenue received from investments pursuant to this subsection may be reinvested subject to the same conditions.

3. The provisions of this section do not apply to corporations formed for educational or charitable purposes.

Assemblyman Evans moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Joint Resolution No. 36—Urging Congress and the President of the United States to extend permanently the authority of states to issue tax-exempt small issue industrial development bonds and qualified mortgage revenue bonds.

Assemblyman Evans moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 717—An Act making an appropriation to the state librarian for the preservation of the statewide library resource programs; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 432.

Bill read third time.

Remarks by Assemblymen Evans and Carpenter.

Roll call on Assembly Bill No. 432:

YEAS—36.

NAYS—Carpenter, Ernaut, Gibbons, Lambert, McGaughey, Neighbors—6.

Assembly Bill No. 432 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 482.

Bill read third time.

Remarks by Assemblymen Price and Toomin.

Roll call on Assembly Bill No. 482:

YEAS—42.

NAYS—None.

Assembly Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 494.

Bill read third time.

Remarks by Assemblymen Bonaventura and Anderson.

Roll call on Assembly Bill No. 494:

YEAS—31.

NAYS—Anderson, Bache, de Braga, Ernaut, Evans, Freeman, Haller, Heller, Humke, McGaughey, Mr. Speaker—11.

Assembly Bill No. 494 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 561.

Bill read third time.

Remarks by Assemblyman Chowning.

Roll call on Assembly Bill No. 561:

YEAS—42.

NAYS—None.

Assembly Bill No. 561 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 584.

Bill read third time.

Remarks by Assemblyman Chowning.

Roll call on Assembly Bill No. 584:

YEAS—40.

NAYS—Collins.

Not voting—Sader.

Assembly Bill No. 584 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 589.

Bill read third time.

Remarks by Assemblymen de Braga, Scherer and Arberry.

Assemblyman Scherer moved that Assembly Bill No. 589 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion lost on a division of the house.

Roll call on Assembly Bill No. 589:

YEAS—32.

NAYS—Augustine, Ernaut, Haller, Heller, Hettrick, Humke, Lambert, Marvel, Scherer, Tiffany—10.

Assembly Bill No. 589 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 619.

Bill read third time.

Remarks by Assemblyman Augustine.

Roll call on Assembly Bill No. 619:

YEAS—42.

NAYS—None.

Assembly Bill No. 619 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 661.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Assembly Bill No. 661:

YEAS—42.

NAYS—None.

Assembly Bill No. 661 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 282.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Senate Bill No. 282:

YEAS—41.

NAYS—None.

Not voting—Porter.

Senate Bill No. 282 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 118.

Bill read third time.

The following amendment was proposed by Assemblymen Carpenter and Gibbons:

Amendment No. 582.

Amend section 1, page 1, by deleting lines 5 through 25 and inserting: "[such violation,] the *violation:*

(a) The court may require the *immediate* surrender of all licenses issued under the provisions of this Title and held by the convicted person.

[2. Upon the second such conviction within 5 years, the court:

(a) Shall require the surrender of all such licenses so held; and

(b) May recommend to the commission that no license be issued to the person for any period not to exceed 2 years. Upon receipt of any recommendation from the court as provided in this paragraph, the commission may refuse to issue any license to the convicted person during the period recommended by the court.

3. The commission, on its own initiative, may refuse to issue any license to a person, twice convicted within 5 years, for any period not to exceed 2 years.

4.] *Upon receipt of a surrendered license, the court shall forward it to the commission.*

(b) The commission may, on its own initiative:

(1) Revoke or suspend any license issued pursuant to the provisions of this Title, or a regulation adopted pursuant thereto, for any violation thereof; and

(2) Refuse to issue any subsequent license to the convicted person for any period not to exceed 2 years.".

Amend section 1, page 2, line 4, by deleting "*3.*" and inserting "*2.*".

Amend section 1, page 2, line 8, by deleting "*4.*" and inserting "*3.*".

Amend section 1, page 2, line 13, by deleting "*5.*" and inserting "*4.*".

Amend section 1, page 2, line 14, by deleting: "*less than $500 nor*".

Amend section 1, page 2, line 17, by deleting "*must*" and inserting "*may*".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 210.

Bill read third time.

The following amendment was proposed by Assemblyman Giunchigliani:

Amendment No. 585.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 617.135 is hereby amended to read as follows:

617.135 "Police officer" includes:

1. A sheriff, deputy sheriff , *officer of a metropolitan police department* or city policeman;

2. A chief, inspector supervisor, commercial officer or trooper of the Nevada highway patrol;

3. A chief, investigator or agent of the investigation division of the department of motor vehicles and public safety;

4. An officer or investigator for the control of emissions from vehicles of the registration division of the department of motor vehicles and public safety;

5. An investigator of the bureau of enforcement of the registration division of the department of motor vehicles and public safety;

6. A member of the police department of the University of Nevada System; and

7. A uniformed employee of the department of prisons whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies.

8. A parole and probation officer of the department of parole and probation.".

Amend sec. 2, page 1, by deleting line 14 and inserting: "shall furnish to the [public authority] *state agency, political subdivision or metropolitan police department*".

Amend the title of the bill, third line, after "insurance;" by inserting: "clarifying the inclusion of metropolitan police departments within the statutory provisions relating to industrial insurance;".

Amend the summary of the bill to read as follows:

"Summary—Clarifying certain provisions relating to industrial insurance. (BDR 53-755)".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 93, 96, 375, 454; Senate Bills Nos. 123, 149, 228, 348; Senate Joint Resolution No. 19.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Braninburg, Mr. Sam Macaluso and the following students from Katherine Dunn Elementary School, Sparks: Aaron Christiansen, Drew Cross, Breanne Dahmer, Derek Danley, Aja-Lyn Fernandez, Renea Ghassedi-Khoshklo, Brian Groce, Tyler Harker, Charles Hernandez, Christle Jackson, Rachel Kelley, Paul Kimberly, Thaibinh Nguyen, Sara Rodarte, Adam Rowland, Austin Sheldon, Ashley Smith, Emily Stolpman, Rebecca Taylor, Walter Tran, Melissa Trujillo, Sarah Ventimiglia, Stephanie Nawmani, Patrick Corey, Kenneth Thomas, Robert Henderson, Kenneth DePalo, Dennis Bagley, Kayla Baker, Gregory Bradley, Nicole Breland, Jolene Callahan, Dane Coppola, Amanda Coe, Brittany Cooper, Prentiss Donald, Jonathan Engle, Austin Hayden, Jason Hunt, Amber Jacober, Lelia Jarret, Wan Lee, Chris Loyd, Jessica McGee, Troy Monroe, Josie Moreno, Mark Pfeil, Erick Sanchez, T. T. Tran, Dan Wells, Nicole Wright, Kimberly Patterson, Aaron Zuidian and Lorenzo Perez.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jennifer Collins.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. George Toto.

Assemblyman Porter moved that the Assembly adjourn until Thursday, June 3, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:14 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTY-SEVENTH DAY

CARSON CITY (Thursday), June 3, 1993

Assembly called to order at 11:11 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ronald Rentner.

God, our Father, this day is a new creation rich in opportunities and joys, but not without its challenges and frustrations. Guide us through this day and its decisions. Show us how to be Your new creation. In the Name of our Lord. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bill No. 161; Senate Bills Nos. 207, 214, 254, 328, 357, 397, 407, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 187, 334, 474, 507, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 646, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 366, 411, 414, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 168, 553; Senate Bill No. 61, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 118, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 530, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 550, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Joint Resolution No. 37—Urging Congress to oppose proposed legislation that establishes a surcharge on water from federal reclamation projects.

Assemblyman Freeman moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Resolution No. 9—Providing for the appointment of an additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Frances M. Hill is elected as an additional attaché of the Assembly for the 67th session of the Legislature of the State of Nevada.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Evans, Myrna Williams, Chowning, Dini, Humke, Smith, Lambert, Bache, Tiffany, Anderson, Scherer, McGaughey, Freeman, Garner, Sader and de Braga:

Assembly Bill No. 718—An Act relating to juries; permitting a county to establish and maintain a program which allows the donation of certain fees of jurors to specified agencies which provide protective services for children; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 719—An Act relating to legislative proceedings; clarifying that a witness in a legislative proceeding has an absolute privilege to publish defamatory matter if it has some relation to the proceeding; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 720—An Act relating to conversion; exempting, under certain circumstances, pawnbrokers and secondhand dealers from civil liability for conversion; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 721—An Act relating to contractors; providing for the licensing and regulation of persons who install or repair certain parts of mobile homes, manufactured homes or commercial coaches, by the state contractors' board instead of the manufactured housing division of the department of commerce; allowing certain employees of the state contractors' board to issue citations to a person acting as a contractor without a license; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 722—An Act relating to used property; requiring pawnbrokers to obtain an additional license to accept vehicles as pledged property; increasing the required period for the retention of property by pawnbrokers and secondhand dealers; increasing the rate of interest which may be charged for money loaned by pawnbrokers; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Anderson, Dini, Bache, Carpenter, Toomin, Spitler, Gregory, Arberry, Kenny, Neighbors, Marvel, Schneider, Tiffany, Smith, de Braga, McGaughey, Collins, Perkins, Regan, Petrak, Porter, Chowning and Giunchigliani:

Assembly Bill No. 723—An Act relating to group insurance for public employees; requiring the same rates and coverage for participating public agencies as are established for state employees; requiring the committee on benefits to allow a person who has retired from the service of a local government or county school district to participate in the state's program of group insurance in his individual capacity if his former employing agency does not desire to become a participating public agency; requiring the rate and coverage for such a retired person to be the same as are established for retired state employees; requiring the department of personnel to pay the cost of premiums for such a retired person; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Concurrent Committees on Ways and Means and Government Affairs.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:21 a.m.

ASSEMBLY IN SESSION

At 11:37 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that Senate Bill No. 311 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Carpenter.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 64—Requesting the return to the Assembly from the Governor's office of Assembly Bill No. 522 of this session.

Assemblyman Sader moved the adoption of the resolution.

Remarks by Assemblyman Sader.

Resolution adopted.

Assemblyman Sader moved that all rules be suspended and that Assembly Concurrent Resolution No. 64 be immediately transmitted to the Senate.

Motion carried unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 586, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 41.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 41.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblymen Porter and Chowning.

Assemblyman Chowning requested that her remarks be entered in the Journal.

Thank you, Mr. Speaker. I have had the pleasure of knowing "Corky" Poole. Although I was not the one who was supposed to speak on this resolution, I rise in support of Senate Concurrent Resolution No. 41.

Years ago, I was a student at NSU, Nevada Southern University, during the time when "Corky" was trying to keep herd and keep track and keep all of the original Rebel basketball players fed and housed. He and his wife have been great humanitarians and educators through all the years. One thing people probably do not remember is while they were sweethearts in college, "Corky" sent Bobbie a letter that had a three cent stamp on it. The letter was delivered some 20 years later. It had gotten stuck in the wall at the Post Office. When the Post Office moved, they found the letter. The Post Office did deliver the letter. It was a great educational lesson for their children.

"Corky" is a wonderful person. It is too bad he is not here today. This is one of the nice things we do as legislators, to honor worthy persons.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 724—An Act relating to bicycles; requiring the department of motor vehicles and public safety to adopt standards for protective headgear for bicyclists; requiring persons under 18 years of age to wear protective headgear meeting those standards while riding upon or operating a bicycle; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 725—An Act relating to vehicles; prohibiting the driving or moving of a vehicle on any highway while carrying an uncovered load; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 726—An Act relating to motor carriers; requiring certain motor carriers to designate a person to ensure compliance with various federal laws relating to persons with disabilities; requiring those motor carriers to provide training to their employees concerning the treatment of persons with disabilities; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 18.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Assembly Bill No. 18:

YEAS—42.

NAYS—None.

Assembly Bill No. 18 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 135.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 135:

YEAS—42.

NAYS—None.

Assembly Bill No. 135 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 196.

Bill read third time.

Remarks by Assemblymen Scherer and Petrak.

Roll call on Assembly Bill No. 196:

YEAS—42.

NAYS—None.

Assembly Bill No. 196 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 118, 168, 187, 334, 366, 398, 411, 414, 474, 530, 553; Senate Bill No. 61, be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 244.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Assemblyman Bache requested that Assemblyman Giunchigliani's remarks be entered in the Journal.

Thank you, Mr. Speaker. Assembly Bill No. 244 provides that certain court, investigative, and other related records which identify a victim of sexual assault are confidential. Identifying information concerning the victim may be disclosed only to: (1) the defendant and his attorney; (2) a person directly involved in the investigation, prosecution, or defense of the case; (3) an entity which provides counseling or other services to victims; or (4) a person specifically named in a court order who has demonstrated good cause for such disclosure.

A public officer or employee with access to identifying information who intentionally releases the information to anyone other than those authorized will be guilty of a misdemeanor.

The bill further authorizes a victim to request a pseudonym be used on all files, records, and documents pertaining to the sexual assault. Alternatively, a victim may waive, in writing, the confidentiality of the identifying information.

Assembly Bill No. 244 is a victim's rights bill. As a sponsor of this bill, I do want everyone to understand that I continue to believe in fostering openness and public availability of the discussions, documents and proceedings of public agencies. Each of us believes that the First Amendment is a valuable tool for democracy, and a tool which must be guarded.

It is necessary, therefore, that I clearly frame the issue of Assembly Bill No. 244, as amended. Some will argue that passage of this bill will be the proverbial "foot in the door" toward a weakening of the First Amendment rights. That is clearly not the case. I believe that reasonable people, deliberating an issue such as this will understand that under these very limited circumstances, protection of an idea will still allow for protection of a victim.

Sexual assault is a chilling crime which counts men as well as women as its victims, boys as well as girls. However, it is a crime in which the victim is often perceived differently than any other victim of any other crime. Police reports demonstrate that victims of robbery, burglary or physical assault may not have been as careful to avoid the subject of a crime as they should have been. Yet, society regards them, as it should, as victims.

The victim of a sexual assault, on the other hand, often faces an underlying thought in our society that he or she may somehow have asked for it. Somehow sexual assault victims, no matter how innocent, are stigmatized by being a part of the crime committed against them.

Other witnesses will tell you how being a victim of these crimes makes you different than any other victim. They will tell of spouses and loved ones who regard the victim differently after a sexual assault. They will tell you that the victims are, indeed, treated differently, and that treatment is often as traumatic as the crime itself.

They will tell you that the publication of the victim's name, for neighbors, classmates or co-workers to know, compounds the difficulty for the victim and permanently changes

their relationship with others. The idea of their name being released prevents victims from coming forward. This bill will simply say that the press can cover the story, but there is no need to know the victim's name. I urge your support. Thank you.

Roll call on Assembly Bill No. 244:

YEAS—42.

NAYS—None.

Assembly Bill No. 244 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 312.

Bill read third time.

Remarks by Assemblyman Toomin.

Roll call on Assembly Bill No. 312:

YEAS—29.

NAYS—Carpenter, Ernaut, Gibbons, Gregory, Heller, Hettrick, Humke, Lambert, McGaughey, Marvel, Tiffany—11.

Not voting—Scherer, Mr. Speaker—2.

Assembly Bill No. 312 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 626.

Bill read third time.

Remarks by Assemblyman Toomin.

Roll call on Assembly Bill No. 626:

YEAS—38.

NAYS—de Braga, Evans—2.

Not voting—Scherer, Mr. Speaker—2.

Assembly Bill No. 626 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 12.

Bill read third time.

Remarks by Assemblyman Smith.

Roll call on Senate Bill No. 12:

YEAS—42.

NAYS—None.

Senate Bill No. 12 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 78.

Bill read third time.

Remarks by Assemblyman Toomin.

Roll call on Senate Bill No. 78:

YEAS—42.

NAYS—None.

Senate Bill No. 78 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 392.

Bill read third time.

Remarks by Assemblyman Regan.

Roll call on Senate Bill No. 392:

YEAS—42.

NAYS—None.

Senate Bill No. 392 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 393.

Bill read third time.

Remarks by Assemblymen Scherer and Sader.

Assemblyman Sader moved that Senate Bill No. 393 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

Senate Bill No. 311.

Bill read third time.

The following amendment was proposed by Assemblyman Carpenter:

Amendment No. 674.

Amend section 1, page 1, line 2, after "450.470" by inserting "*1.*".

Amend section 1, page 1, after line 9, by inserting:

"2. *The board of trustees of such a county hospital, in cooperation with the local law enforcement agencies, may provide a suitable room that may be used for the custodial supervision of persons who are alleged to be:*

(a) Mentally ill; or

(b) Dangerous to themselves or others.".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

SECOND READING AND AMENDMENT

Assembly Bill No. 118.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 661.

Amend the bill as a whole by deleting sections 1 through 14 and the leadlines of repealed sections and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. The department of data processing shall, in coordination with the state emergency response commission, study the needs for informa-

tion on the part of state and local agencies that are involved in the management of hazardous materials, including those that respond to emergencies. The department shall report to the 68th session of the legislature its findings and recommendations from that study, including proposals to:

1. Put into effect a system which would allow information on hazardous materials to be sent to, received by, and stored by any state or local agency that needs the information;

2. Create a single repository and network for communicating information concerning hazardous materials which would be accessible to all agencies in the state that first respond to the occurrence or threat of a discharge of hazardous materials; and

3. Improve public access to information concerning hazardous materials.".

Amend the title of the bill to read as follows:

"An Act relating to information; requiring the department of data processing to conduct a study to improve the management of information concerning hazardous materials; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires department of data processing to conduct study to improve management of information concerning hazardous materials. (BDR S-381)".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 168.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 480.

Amend section 1, page 1, by deleting lines 14 through 19 and inserting: "in this state outside of a licensed hospital.".

Amend section 1, page 1, line 20, by deleting "3." and inserting "3.]".

Amend section 1, page 1, line 21, by deleting the open bracket.

Amend section 1, page 1, line 22, by deleting the closed bracket.

Amend section 1, page 2, line 1, by deleting "4." and inserting "[4.] *3.*".

Amend section 1, page 2, line 7, by deleting "5." and inserting "[5.] *4.*".

Amend the title of the bill by deleting the third and fourth lines and inserting: "and providing other matters properly".

Amend the summary of the bill to read as follows:

"Summary—Removes restriction on location at which certain medical examinations of allegedly mentally ill persons may be performed. (BDR 39-441)".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 187.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 461.

Amend sec. 3, page 1, line 17, by deleting "*$1,000*" and inserting "*$5,000*".

Amend sec. 6, page 2, line 39, by deleting the period and inserting: "*and pay a nonrefundable fee of $750 plus $1 for each lot in the mobile home park. The money so collected must be used by the administrator to cover any costs related to the administration of sections 3 to 7, inclusive, of this act, including expenses related to the use of independent contractors to review and investigate applications. If the amount collected from a landlord pursuant to this subsection is not sufficient to cover the actual costs in investigating and reviewing his application, the administrator may charge and collect from the landlord the balance of those costs.*".

Amend sec. 6, page 3, line 6, by deleting "*an application,*" and inserting: "*a completed application and the applicable fee,*".

Amend sec. 6, page 3, line 8, after "*application.*" by inserting: "*The administrator may summarily reject and return an incomplete application to the applicant.*".

Amend sec. 6, page 3, line 9, after "*receives the*" by inserting "*completed*".

Amend sec. 6, page 3, line 10, by deleting "*and*" and inserting: "*who shall notify*".

Amend sec. 6, page 3, line 21, by deleting "*and*".

Amend sec. 6, page 3, line 23, by deleting the period and inserting: "*; and*

(e) The opinion of the tenants as to the need of the capital improvement or repair.".

Amend sec. 6, page 3, by deleting lines 25 and 26 and inserting: "*or disapprove the application. The administrator shall not approve an application if the period during which the cost of the capital improvement or repair may be recovered from the tenants is less than 5 years. The administrator shall mail written notice of his decision and the reason therefor to the landlord who shall notify each tenant of the mobile home park to*".

Amend sec. 13, page 5, line 20, by deleting "1996." and inserting "1997.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 334.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 725.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective upon passage and approval.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 366.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 501.

Amend sec. 2, page 1, by deleting line 5 and inserting: "*facsimile machine, if available.*".

Amend sec. 6, page 2, line 19, by deleting "*13*" and inserting "*15*".

Amend sec. 6, page 2, line 29, by deleting "*13*" and inserting "*15*".

Amend sec. 6, page 2, line 31, after "*includes*" by inserting: "*, but is not limited to,*".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 398.

Bill read second time.

The following amendment was proposed by the Committee on Labor and Management:

Amendment No. 533.

Amend section 1, page 1, line 4, by deleting "*output*" and inserting "*input*".

Assemblyman Kenny moved the adoption of the amendment.

Remarks by Assemblyman Kenny.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 411.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 718.

Amend the bill as a whole by deleting sections 1 through 13 and adding new sections designated sections 1 through 17, following the enacting clause, to read as follows:

"Section 1. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this act.

Sec. 2. *The legislature hereby finds and declares that:*

1. Increases in the population and usage of motor vehicles in the areas of densest population in this state have created conditions of traffic congestion in business districts that:

(a) Constitute a hazard to the safety of pedestrians and impede the movement of police and fire equipment, ambulances and other emergency vehicles;

(b) Indicate a need to widen streets that currently have both sidewalks to accommodate pedestrians and lanes for motor vehicles extending from the buildings on one side of the street to the buildings on the other side of the street leaving no space available for expansion of the area for pedestrians or motor vehicles; and

(c) Warrant the closure of certain streets and other thoroughfares to private vehicles.

2. There has been a progressive decline in the economic growth and vitality of businesses located in the business districts in the areas of densest population in this state that:

(a) Is attributable to the decrease in tourists and other visitors to these business districts;

(b) Necessitates special efforts to promote economic growth and revitalization of these economically depressed business districts to create new jobs and maintain existing employment opportunities, attract new businesses, tourists and visitors to these districts and to prevent further decline by restoring the economic growth and vitality of these business districts; and

(c) Makes it of particular local benefit to allow municipalities experiencing such economic decline to create pedestrian malls and, if necessary, to raise money for the annual costs of operating, managing, maintaining or improving them through the levy of assessments upon the property or the imposition of fees on the businesses which benefit from the return of tourists and other visitors to the area resulting from the pedestrian mall.

3. It is in the best interests of the state to encourage municipalities to create pedestrian malls to enhance and improve their local business climates and that selecting and contracting with a private entity for the acquisition, construction, improvement, operation, management or maintenance of pedestrian malls, or any combination thereof, may also be in the best interests of the public.

4. It is the public policy of the State of Nevada to permit the governing body of any densely populated municipality to protect the public welfare and health and the interests of the public in the safe and effective movement of persons and to preserve and enhance the function and appearance of the business districts of municipalities and to promote the economic growth and revitalization thereof by the adoption of the ordinances authorized by this act.

Sec. 3. *As used in sections 2 to 15, inclusive, of this act, unless the context otherwise requires:*

1. "Governing body" means the governing body of a city whose population is 200,000 or more.

2. "Operating entity" means a public operating entity of a pedestrian mall or a private operating entity with whom a governing body has contracted for the acquisition, construction, improvement, operation, management or maintenance of a pedestrian mall, or any combination thereof.

3. "Pedestrian mall" means an area including portions of one or more streets or alleys that has been set aside for use primarily by pedestrians and to which access by motor vehicles is prohibited or restricted. The term includes all improvements and appurtenances thereto that are designed to be used primarily for the movement, safety, convenience, enjoyment, entertainment, recreation or relaxation of pedestrians.

4. "Redevelopment agency" means a governmental entity created pursuant to NRS 279.382 to 279.680, inclusive, or a legislative body which has elected to exercise the powers granted to an agency under NRS 279.382 to 279.680, inclusive.

Sec. 4. *1. The governing body of an incorporated city whose population is 200,000 or more may by ordinance create a pedestrian mall.*

2. Before adopting an ordinance creating a pedestrian mall, the governing body must find that it would be in the best interests of the city and beneficial to the owners of adjacent property to use the street or streets or other thoroughfare or thoroughfares primarily for pedestrians.

3. The ordinance must establish the boundaries of the pedestrian mall and the governing body may change the boundaries by ordinance. The area included within a pedestrian mall may be contiguous or noncontiguous.

4. In addition to other requirements for the consideration and adoption of an ordinance, at least 10 days before the date fixed for a public hearing on the adoption of the ordinance creating a pedestrian mall, a notice of the date, time and place of the hearing and a copy of the proposed ordinance, or notification that a copy is available in the office of the city clerk, must be mailed to the owners of record of the property included within the proposed boundaries of the pedestrian mall. The names and addresses of the owners of such property may be obtained from the records of the county assessor or from such other source or sources as the governing body deems reliable. Any such list of names and addresses appertaining to any pedestrian mall may be revised from time to time, but such a list need not be revised more frequently than at 12-month intervals.

5. Unless otherwise provided by the governing body in the ordinance, all property of the city that is used in conjunction with or as a part of the pedestrian mall remains property of the city and must not be considered vacated for any purpose.

Sec. 5. *An ordinance creating a pedestrian mall may include any provision which is necessary or appropriate to carry out the provisions of sections 2 to 15, inclusive, of this act, including, without limitation:*

1. A prohibition on the use by motor vehicles of the portion of each street or other thoroughfare necessary for the pedestrian mall.

2. Exceptions to such a prohibition for use by emergency, maintenance, utility, mass transit and other necessary vehicles.

3. Provisions for issuing permits to the owners or occupants of property that abuts the pedestrian mall for use of a closed street or thoroughfare for deliveries at such times as are deemed appropriate.

4. Provisions imposing a fee for the use of all or a portion of the pedestrian mall for special events or activities to offset the cost of operating and maintaining the pedestrian mall.

5. Provisions for the use of the pedestrian mall for advertising purposes and the charging of a fee in connection therewith.

Sec. 6. *1. Upon the adoption of an ordinance creating a pedestrian mall, the governing body shall:*

(a) Appoint an advisory board for the pedestrian mall consisting of at least seven persons, a majority of whom are owners or occupants of property abutting the pedestrian mall, to advise the governing body in connection with the acquisition, construction, improvement, operation, management or maintenance of the pedestrian mall, or any combination thereof;

(b) Assign the responsibility for the acquisition, construction, improvement, operation, management or maintenance of the pedestrian mall, or any combination thereof, to an existing part of city government, a redevelopment agency or a public operating entity created by the governing body for this purpose; or

(c) Select and contract with a private operating entity for the acquisition, construction, improvement, operation, management or maintenance of the pedestrian mall, or any combination thereof. Such a contract or contracts must be treated as professional services contracts and are not subject to the limitations of subsection 1 of NRS 354.626. The term of any such contract or contracts may extend beyond the terms of office of the members of the governing body.

2. The governing body may include in the ordinance creating the pedestrian mall a provision for any combination of the options set forth in subsection 1.

3. A redevelopment agency or part of city government to which responsibilities are assigned pursuant to paragraph (b) of subsection 1 is a public operating entity for the purposes of sections 2 to 15, inclusive, of this act, unless the context otherwise requires.

4. If the ordinance creating a public operating entity for the purposes of paragraph (b) of subsection 1 does not provide that the entity is a public entity separate from the city government, the entity is a part of the city government for all purposes, including, without limitation, its employees are employees of the city government for all purposes.

5. Notwithstanding any other provision of NRS, a private operating entity is not a political subdivision, local government, public body, governmental agency or entity, establishment of the government, public corporation or quasi public corporation for any purpose.

Sec. 7. *1. A pedestrian mall is exempt from any provision of law providing standards or specifications for the composition, construction, layout, size and any other component of sidewalks, streets or other thoroughfares and any regulations adopted pursuant thereto.*

2. The governing body may include in an ordinance creating a pedestrian mall or otherwise adopt design or architectural standards, safety standards and other provisions for the regulation of the area included in a pedestrian mall that are different than those adopted for other areas of the city.

Sec. 8. *1. A governing body may acquire property for a pedestrian mall by eminent domain pursuant to the provisions of chapter 37 of NRS.*

2. For the purposes of chapters 37 and 244A of NRS, the acquisition, construction, improvement, operation, management and maintenance of a pedestrian mall are hereby declared to be public purposes.

3. For the purposes of chapter 244A of NRS, a pedestrian mall shall be deemed to be a recreational facility.

Sec. 9. *1. A pedestrian mall may be used for any purpose that will enhance the movement, safety, convenience, enjoyment, entertainment, recreation or relaxation of pedestrians, and other purposes necessary or appropriate to carry out the provisions of sections 2 to 15, inclusive, of this act, including, without limitation, seating, merchandising, exhibiting, advertising and any other use, activity or special event which in the judgment of the governing body or operating entity will accomplish any of those purposes.*

2. The governing body may control or regulate or authorize the control or regulation of:

(a) The distribution and location of movable furniture, sculpture, devices to control pedestrian traffic, landscaping and other facilities that are incidental to the pedestrian mall;

(b) The uses to be permitted or restricted on the pedestrian mall by occupants of abutting property, any transit or telephone utility, concessionaires, vendors, newspaper vending machines and others to serve the convenience and enjoyment of pedestrians and the location of such uses;

(c) The raising of revenue through the imposition of a fee for the use of all or a portion of the pedestrian mall for special events or activities to offset the cost of operating and maintaining the pedestrian mall;

(d) The use of the pedestrian mall for advertising purposes and the charging of a fee in connection therewith;

(e) The operation of any lighting, heating or other facilities in the pedestrian mall;

(f) The replacement of any landscaping and maintenance of the furniture and facilities in the pedestrian mall;

(g) The access to the pedestrian mall by the public and closure of the pedestrian mall to the public for purposes of special events or activities for limited periods of time;

(h) The use of the pedestrian mall for parades and other similar activities; and

(i) Other activities, actions or conduct to promote the best interests of the public and carry out the provisions of sections 2 to 15, inclusive, of this act.

Sec. 10. *In addition to any other powers, the operating entity may:*

1. Unless otherwise limited by ordinance or by an agreement with the governing body:

(a) Adopt rules for the management of its affairs and the performance of its functions and duties;

(b) Employ such persons as may be required to carry out its duties and fix and pay their compensation from the money available to pay the expenses of the entity;

(c) Apply for or otherwise solicit, accept, administer and comply with any requirements of any appropriations of money or any gifts, grants or donations of property or money;

(d) Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the operating entity, including contracts with any person, firm, corporation, governmental agency or other entity, except that before any such agreement may bind the city in any way, the governing body must specifically approve the agreement;

(e) Administer and manage its own money and pay its own obligations;

(f) Enforce the conditions of any loan, grant, sale or lease made by the entity;

(g) Publicize the pedestrian mall and the businesses that are located within the pedestrian mall; and

(h) Recruit new businesses to fill vacancies and balance the combination of types of businesses in and around the pedestrian mall.

2. If specifically approved by the governing body:

(a) Fund or assist in the funding of the costs of improving the exterior appearance of property that abuts the pedestrian mall through grants or loans made to the owner or occupant of the property;

(b) Fund the rehabilitation of property that abuts the pedestrian mall;

(c) Accept, purchase, rehabilitate, sell, lease or manage any property that abuts the pedestrian mall, with the consent of the owner;

(d) Provide security, sanitation and other services for the property that abuts the pedestrian mall that are in addition to the services ordinarily provided by the city; and

(e) Acquire, construct or otherwise provide improvements that are designed to increase the safety or attractiveness of the pedestrian mall to businesses which may wish to locate there or to visitors to the mall, including, without limitation, cleanup and control of litter, landscaping, parking areas and facilities, recreational and rest areas and facilities pursuant to any applicable regulations of the governing body.

Sec. 11. *1. Notwithstanding any rule, regulation, common law doctrine or principle of law to the contrary, the movable furniture, structures, facilities and appurtenances or activities in conjunction with or located or permitted in the pedestrian mall may not be found to be a trespass or nuisance or an unlawful obstruction or condition.*

2. The city, the governing body, an operating entity and any person acting pursuant to a permit issued by the city or the operating entity in conjunction with the acquisition, construction, improvement, operation, management or maintenance of the pedestrian mall are not liable for any

injury to a person or to property arising out of the location or use of any such movable furniture, structures, facilities and appurtenances or activities located or permitted in the pedestrian mall, in the absence of gross negligence in the placement, maintenance or operation of any such furniture, structure, facility or appurtenance or activity.

Sec. 12. *If the governing body determines that it is necessary to raise money for the annual cost of operating, managing, maintaining or improving the pedestrian mall:*

1. The governing body shall adopt an ordinance creating a district. In addition to other requirements for the consideration and adoption of such an ordinance, at least 10 days before the date fixed for a public hearing on the adoption of the ordinance creating the district, a notice of the date, time and place of the hearing and a copy of the proposed ordinance, or notification that a copy is available in the office of the city clerk, must be mailed to the owners of record of the property included within the proposed boundaries of the district. The names and addresses of the owners may be obtained from the records of the county assessor or from such other source or sources as the governing body deems reliable. Any such list of names and addresses appertaining to the district may be revised from time to time, but such a list need not be revised more frequently than at 12-month intervals. If the governing body intends to impose fees pursuant to section 13 of this act, it shall also deliver a copy of the notice required by this subsection to each holder of a business license, as shown in the records of the city, for a business located within the boundaries of the proposed district. If such notice is not delivered, the governing body shall not impose a fee pursuant to section 13 of this act. The ordinance must establish the boundaries of the district and the governing body may change the boundaries by ordinance. The area included within a district may be:

(a) Coterminous or noncoterminous with the boundaries of the pedestrian mall established pursuant to subsection 3 of section 4 of this act; and

(b) Contiguous or noncontiguous,

but must not include any area which is located more than 4 blocks from the boundaries of the pedestrian mall.

2. The operating entity shall report to the governing body an estimate of the cost of operating, managing and maintaining and annually improving the pedestrian mall for the ensuing fiscal year and an estimate of changes in the amounts of such costs recommended to or under consideration by the operating entity. The estimates must be reasonably itemized and must include a summary of the categories of cost properly chargeable to:

(a) The general fund of the city, if any; and

(b) The property in the district.

3. Except as otherwise provided in section 13 of this act, each year when the governing body has received and approved or amended the estimate of the costs for the ensuing fiscal year, the governing body shall prepare an assessment roll setting forth separately the amounts to be specifically assessed against the property in the district in proportion to the benefit received by the property from the pedestrian mall. The governing body shall

distribute the costs to be assessed in proportion to the benefit received by each property on the basis of the frontage or area of, amount of traffic generated by, the number of rooms contained on the property or any other equitable basis or combination of bases as determined by the governing body. An offset may be allowed for any portion of the annual cost of operating, managing, maintaining or improving the pedestrian mall which an owner of such property has paid directly or through contributions to a private operating entity. A description of the property and the name of the current owner of the property must be included for each property to be assessed. The names and addresses of the owners of such property may be obtained from the records of the county assessor or from such other source or sources as the governing body deems reliable. Any such list of names and addresses appertaining to the district may be revised from time to time, but such a list need not be revised more frequently than at 12-month intervals. Upon completion, the assessment roll must be maintained on file in the office of the city clerk and be available for public inspection.

4. The governing body shall meet annually to consider any objections to the amount of the assessments at least 20 days after a notice of hearing has been published once in a newspaper of general circulation in the city and mailed by certified mail to the owners of all assessed property in the district. The notice must set forth the time and place of the meeting and any matters to be discussed and may refer the person to the assessment roll for details. The hearing must be conducted in the manner specified in NRS 271.385, 271.390 and 271.395.

5. After the hearing, the governing body may adopt or change the proposed assessment, but any such changes must not result in an increased assessment for any property from the amount specified or referred to in the notice. When the governing body adopts an assessment roll, the city clerk shall certify a copy and deliver it to the city treasurer for collection in the same manner as provided for the collection of special assessments in chapter 271 of NRS. The assessment, together with any interest, penalties and costs of collection, are a lien against the property that is equal in priority to a lien for general taxes.

6. Money that is apportioned to or collected on behalf of a district must be credited to a special account and may only be used for the purpose for which it was apportioned or collected. Any balance remaining in the account at the end of the fiscal year must be conserved and applied towards the financial requirements of the next ensuing fiscal year.

Sec. 13. *1. Except as otherwise provided in section 12 of this act, in lieu of funding by special assessments as provided in section 12 of this act, the governing body may, by ordinance, require special licenses for businesses that operate in the district created pursuant to section 12 of this act and establish fees for those licenses in such a manner as to distribute equitably the budgeted costs of operating, managing, maintaining and improving the pedestrian mall for the ensuing fiscal year among those businesses. The ordinance may establish reasonable categories of businesses subject to licensing and reasonable exemptions therefrom or abatements of*

the fees therefor. The amount of the fee for each license must be determined by floor area of licensed business space, sales volume or another reasonable basis or combination of bases as determined by the governing body. An offset may be allowed for any portion of the cost of operating, managing, maintaining or improving the pedestrian mall which a business has paid directly or through contributions to a private operating entity.

2. All fees imposed pursuant to subsection 1 must be:

(a) Collected in the same manner as other business license fees are collected pursuant to this chapter; and

(b) Deposited in a separate account for the district.

3. The balance in the account for the district at the end of the fiscal year must be conserved and applied towards the financial requirements of the next ensuing fiscal year.

4. The ordinance requiring the special business license must provide a reasonable appeal procedure for any administrative determination made pursuant to the provisions of this section.

Sec. 14. *1. If the operating entity is a public operating entity created by the governing body for the purposes of paragraph (b) of subsection 1 of section 6 of this act, its budget must be prepared and approved in accordance with chapter 354 of NRS and must be submitted to the governing body for approval.*

2. If the operating entity is a private operating entity with which the governing body entered into a contract, all money which will be paid or otherwise transferred to the operating entity by the governing body or a redevelopment agency must be included in the budget of the governing body or redevelopment agency transferring the money which is prepared and approved in accordance with the provisions of chapter 354 of NRS. The governing body may conduct such review of the budget of the private operating entity as the governing body deems appropriate in connection with such a transfer.

Sec. 15. *Sections 2 to 15, inclusive, of this act do not prohibit a governing body from including a pedestrian mall within the boundaries of any area, district or zone established pursuant to law which has as one of its purposes the encouragement of the construction of improvements or the rehabilitation of property located within its boundaries or the inducement of private enterprise to locate within those boundaries, whether by the provision of tax credits, exemptions or abatements or by the provision of special public financing arrangements.*

Sec. 16. NRS 354.5989 is hereby amended to read as follows:

354.5989 1. A local government shall not increase any fee for a business license or adopt a fee for a business license issued for revenue or regulation, or both, except as permitted by this section. This prohibition does not apply to fees:

(a) Imposed by hospitals, county airports, airport authorities, convention authorities, the Las Vegas Valley Water District or the Clark County Sanitation District;

(b) Imposed on public utilities for the privilege of doing business pursuant to a franchise; [or]

(c) For business licenses which are calculated as a fraction or percentage of the gross revenue of the business [.] *; or*

(d) Imposed pursuant to section 13 of this act.

2. The amount of revenue the local government derives or is allowed to derive, whichever is greater, from all fees for business licenses except those excluded by subsection 1, for the fiscal year ended on June 30, 1991, is the base from which the maximum allowable revenue from such fees must be calculated for the next subsequent year. To the base must be added the sum of the amounts respectively equal to the product of the base multiplied by the percentage increase in the population of the local government added to the percentage increase in the Consumer Price Index for the year ending on December 31 next preceding the year for which the limit is being calculated. The amount so determined becomes the base for computing the allowed increase for each subsequent year.

3. A local government may not increase any fee for a business license which is calculated as a fraction or percentage of the gross revenue of the business if its total revenues from such fees have increased during the preceding fiscal year by more than the increase in the Consumer Price Index during that preceding calendar year. *The provisions of this subsection do not apply to a fee imposed pursuant to section 13 of this act.*

4. A local government may submit an application to increase its revenue from fees for business licenses beyond the amount allowable under this section to the Nevada tax commission, which may grant the application only if it finds that:

(a) Emergency conditions exist which impair the ability of the local government to perform the basic functions for which it was created; or

(b) The rate of a business license of the local government is substantially below that of other local governments in the state.

5. The provisions of this section apply to any business license regardless of the fund to which the revenue from it is assigned. An ordinance or resolution enacted by a local government in violation of the provisions of this section is void.

6. As used in this section, "fee for a business license" does not include a tax imposed on the revenues from the rental of transient lodging.

Sec. 17. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"An Act relating to municipal government; authorizing the creation of pedestrian malls in certain larger cities; providing the powers and duties of governing bodies and other entities upon the creation of a pedestrian mall; providing mechanisms to raise money for the annual cost of operating, managing, maintaining and improving a pedestrian mall; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides for creation of pedestrian malls in certain larger cities. (BDR 21-861)".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 414.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 721.

Amend section 1, page 1, by deleting line 3 and inserting: "338.010 to 338.130, inclusive. When informed of violations thereof [he] , *the*".

Amend section 1, page 1, line 4, by deleting "*shall*" and inserting "*may*".

Amend sec. 2, page 1, by deleting lines 17 through 20 and inserting: "years after [his conviction.] *the finding of the violation. The labor commissioner, in addition to any other penalty provided in this chapter:*

(a) Shall assess the person an amount equal to the difference between the prevailing wages required to be paid pursuant to NRS 338.020 to 338.090, inclusive, and the wages he actually paid; and

(b) May in addition impose an administrative fine not to exceed the costs he incurred to investigate and prosecute the matter.".

Amend the bill as a whole by deleting sec. 3.

Amend the title of the bill to read as follows:

"An Act relating to public works projects; revising provisions regarding the hearing and penalty for certain violations; and providing other matters properly relating thereto.".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 474.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 727.

Amend sec. 5, page 2, by deleting lines 16 through 29 and inserting:

"(1) Partnership, the name of the partnership and the name, address, age, social security number and title of each partner.

(2) Corporation, the name of the corporation and the name, address, age, social security number and title of each officer of the corporation.

(g) Proof of:

(1) The payment of any taxes required by chapter 364A of NRS.

(2) The payment of any premiums for industrial insurance required by chapter 616 of NRS.

(3) The payment of contributions or payments in lieu of contributions required by chapter 612 of NRS.

(4) Insurance coverage for any".

Amend sec. 7, page 3, by deleting line 9 and inserting: "funded insurance program. An employee leasing company may not act as a self-insured employer pursuant to chapter 616 of NRS.

4. If an employee leasing company fails to:

(a) Pay any contributions, premiums, forfeits or interest due; or

(b) Submit any reports or other information required,

pursuant to chapter 612 or 616 of NRS, the client company is jointly and severally liable for the contributions, premiums, forfeits or interest attributable to the wages of the employees leased to it by the employee leasing company.".

Amend sec. 8, page 3, line 10, after "state" by inserting: ", in cooperation with the executive director of the employment security department,".

Amend sec. 8, page 3, line 11, after the period by inserting: "The manager of the state industrial insurance system and the commissioner of insurance may adopt regulations to carry out the provisions of this chapter which are not inconsistent with those adopted by the secretary of state.".

Amend sec. 10, page 3, by deleting lines 17 through 22 and inserting: "January 1, 1994, must register pursuant to sections 2 to 9, inclusive, of this act on or before March 1, 1994.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 530.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 619.

Amend section 1, page 1, line 13, by deleting: "*per diem allowance*" and inserting: "*allowance for meals*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 553.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 649.

Amend the bill as a whole by deleting sections 1 through 3 and renumbering sec. 4 as section 1.

Amend the bill as a whole by deleting sections 5 through 7 and adding a new section designated sec. 2, following sec. 4, to read as follows:

"Sec. 2. This act becomes effective on July 1, 1993.".

Amend the title of the bill to read as follows:

"An Act relating to hospitals; increasing the compensation of certain hospital trustees; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Increases compensation of certain hospital trustees. (BDR 40-2001)".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 61.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 639.

Amend sec. 2, page 1, by deleting lines 17 through 19 and inserting "with]".

Amend sec. 2, page 1, line 20, by deleting "*date,*".

Amend sec. 2, page 2, line 3, by deleting "*Such a*" and inserting "*A*".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblymen Evans and Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 64.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Bonaventura, Dini, Sader, Wendell Williams, Bennett, Toomin, Heller, Perkins, Petrak, Regan, Hettrick, Gibbons, McGaughey, Anderson, Haller, Ernaut, Augustine, Bache, Gregory, Collins, Freeman, Spitler, Marvel, Garner, Smith, Lambert, Evans, Schneider, Neighbors, Carpenter, Segerblom, Arberry, Price, Porter, Giunchigliani, Kenny, Scherer, Chowning, Humke, Tiffany, Myrna Williams and de Braga:

Assembly Concurrent Resolution No. 65—Commending Senator Harry Reid for his efforts to promote an alternative use for the Nevada Test Site.

WHEREAS, In 1992, Congress passed and President Bush signed a 9-month nuclear testing moratorium, and when that moratorium has ended, testing may resume at a rate of no more than five tests per year, eventually eliminating all testing in 1996; and

WHEREAS, On March 15, 1993, Senator Harry Reid spoke before a joint session of the Nevada Legislature and in his message he discussed at length the future of the Nevada Test Site; and

WHEREAS, Senator Reid has been working diligently to find alternative uses for the Nevada Test Site including:

1. Creating an alternative/renewable energy demonstration center with individual projects such as solar and hydrogen energy research;

2. Having the Nevada Test Site considered as a part of the nuclear weapons complex reconfiguration, including a weapons assembly/disassembly plant and other peace initiatives;

3. Bringing the National Ignition Facility to the Nevada Test Site for simulated nuclear testing;

4. Bringing the Laser Microfusion Facility to the Nevada Test Site;

5. Upgrading the Liquefied Gaseous Fuels Spill Test Facility to create an environmental technologies research and testing center; and

6. Creating a large solid rocket motor disposal facility;

now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 67th session of the Nevada Legislature hereby commends Senator Harry Reid for his foresight and determination not to allow the Nevada Test Site and the jobs it represents disappear; and be it further

RESOLVED, That this legislative body wholeheartedly supports Senator Harry Reid in his efforts to provide an alternative use for the Nevada Test Site; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Senator Harry Reid.

Assemblyman Bonaventura moved the adoption of the resolution.

Remarks by Assemblymen Bonaventura, Collins and Price.

Assemblyman Chowning requested that the following remarks be entered in the Journal.

ASSEMBLYMAN BONAVENTURA:

Thank you, Mr. Speaker. I rise in support of Assembly Concurrent Resolution No. 65. Senator Harry Reid has been working diligently for Nevada in many areas. Specifically, I wanted to commend him on his efforts to find alternative uses for the test site. It is unfortunate that he cannot be here today, as we all know that he is working just as hard as we are in Washington.

Senator Harry Reid has always worked for Nevada's interests. I think we all need to commend him for working to create an alternative/renewable energy demonstration center for individual projects such as solar and hydrogen energy research. I think he needs to be commended for having the Nevada Test Site considered part of the nuclear weapons complex reconfiguration, and for bringing the National Ignition Facility and Laser Microfusion Facility to the Nevada Test Site, and all the other things stated in Assembly Concurrent Resolution No. 65.

Senator Harry Reid's efforts to diversify the Nevada Test Site will have a direct, positive impact on the tax base of our entire state. I think he deserves this resolution. Thank you.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. I also rise in support of Assembly Concurrent Resolution No. 65. I have known Senator Harry Reid for a long time. In fact, we got acquainted when he and I pushed the efforts to get a little baseball league program started.

I want to commend him on this resolution because District 1, who are the people I represent, many of whom work at the test site and are affected daily by the actions of the Federal Government in regard to the Nevada Test Site. It is as important as any other issue as far as jobs. It is important as to economic development throughout the state. It creates a lot of revenue for the state. I commend him for his efforts to promote alternate uses there. I support this resolution. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Concurrent Resolution No. 65. The Speaker may remember this is not the first time that this legislative body has encouraged Congress to look for alternate uses for the Nevada Test Site. I am certainly happy that Senator Reid has been working so hard on this.

I spent many years of my life working at the Nevada Test Site. As has been mentioned, it is a big part of southern Nevada's economy and I would certainly hate to see the work

force reduced out there. However, I would warn all of my colleagues that you have to be careful and take all considerations on voting on these types of controversial bills. One of our colleagues in the other house, who at that time was State Senator Richard Bryan, voted for the resolution in 1975, only to have his opponent in this last election use it against him to the extent that Congress was trying to find other uses for the Nevada Test Site, for example, storing nuclear waste. Senator Reid voted that he wanted those uses, so why should he be opposing them now. This is a true story. This is an excellent resolution and we certainly commend Senator Reid for his efforts.

Resolution adopted unanimously.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 191, 476; Senate Bills Nos. 114, 206, 340, 425; Senate Concurrent Resolution No. 40.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Beverly Sharp, Lori Bader, Marilyn Jacobsen, Patricia Lund, Rhonda McDonald, Julie Muhle and the following students from Lena Juniper School, Sparks: Tye Bader, Chester Bryant, Jessica Creek, Daniel Davis, Kristy Farson, Cory Fleming, Kayla Holland, Summer Jacobsen, Kimberly Lund, Abby McDonald, Jason More, Katie Muhle, Donny Newman, Gina Rozema, Jackie Sarro and Melissa Varney.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Virginia Frehner.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Duane Windsor.

Assemblyman Porter moved that the Assembly adjourn until Friday, June 4, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:42 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTY-EIGHTH DAY

CARSON CITY (Friday), June 4, 1993

Assembly called to order at 11:13 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Toomin, who was excused.

Prayer by the Chaplain, The Reverend Bill Helmstetter.

Heavenly Father, we recognize and acknowledge You as the source of all wisdom and truth. We commit this session into Your hands and ask that You would grant wisdom and understanding to these men and women. Help and guide them to make the best possible decisions as they face difficult and complex situations. We pray in the name of Your Son, Jesus. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 692, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 328, 486, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 241, 527.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 148, 361, 376, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 199.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 248.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 168, 351, 494.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 54, 69, 291.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Carpenter, Gibbons, Marvel, Hettrick, Neighbors, Petrak, McGaughey, Chowning, Scherer, Smith, Tiffany, Toomin, Schneider, Kenny, Segerblom, Wendell Williams, Regan, Evans, de Braga, Price, Gregory and Humke:

Assembly Joint Resolution No. 38—Proposing to amend the constitution of the State of Nevada to limit the length of each regular session to 120 calendar days and to extend the limitation on compensation of each member of the legislature to 120 days during a regular session.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 4, and section 33 of article 4 of the constitution of the State of Nevada be amended to read as follows:

Sec. 29A. The legislature shall adjourn sine die each regular session not later than midnight Pacific standard time 120 calendar days following its commencement. Any legislative action taken after midnight Pacific standard time on the 120th calendar day is void, unless the legislative action is conducted during a special session convened by the governor.

[Sec:] *Sec.* 33. The members of the Legislature shall receive for their services, a compensation to be fixed by law and paid out of the public treasury, for not to exceed [60 days] *120 days* during any regular session of the legislature and not to exceed 20 days during any special session convened by the governor; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected Provided, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

Assemblyman Carpenter moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Assemblyman Gibbons moved that Senate Bill No. 118 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Gibbons.

Motion carried.

Assemblyman Gibbons moved that Senate Bill No. 119 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Gibbons.

Motion carried.

Assemblyman Spitler moved that Assembly Bill No. 118 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Evans moved that Assembly Bill No. 503 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Evans.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 621 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Wendell Williams moved that Senate Bill No. 67 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Wendell Williams.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 168.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 248.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 351.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:23 a.m.

ASSEMBLY IN SESSION

At 11:29 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 494.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 727—An Act relating to municipal securities; revising the provisions governing the purchase of municipal securities by the state; authorizing the issuance of state securities to acquire revenue securities issued by municipalities; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 728—An Act requiring the issuance of state general obligation bonds for the restoration of the former Virginia & Truckee Railroad from Virginia City to Carson City; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 729—An Act relating to records of criminal history; authorizing an agency of criminal justice to charge a reasonable fee for information relating to records of criminal history furnished to another agency of criminal justice in certain circumstances; prohibiting an agency of criminal justice from charging a fee for information relating to records of criminal history furnished to the welfare division of the department of human resources with respect to licensing of foster homes; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 730—An Act relating to vehicle registration; transferring the account for verification of insurance from the state general fund to the state highway fund; limiting the balance in the account; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 365.
Bill read third time.
Remarks by Assemblyman Bennett.
Roll call on Assembly Bill No. 365:
YEAS—41.
NAYS—None.
Absent—Toomin.

Assembly Bill No. 365 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 368.
Bill read third time.
Remarks by Assemblyman Bennett.
Roll call on Assembly Bill No. 368:
YEAS—38.
NAYS—Carpenter, Collins, Haller—3.
Absent—Toomin.

Assembly Bill No. 368 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 655.
Bill read third time.
Remarks by Assemblyman Gibbons.
Roll call on Assembly Bill No. 655:
YEAS—41.
NAYS—None.
Absent—Toomin.

Assembly Bill No. 655 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 210.
Bill read third time.
The following amendment was proposed by the Committee on Labor and Management:
Amendment No. 730.
Amend sec. 2, page 2, lines 1 and 2, by deleting: "of Nevada System; and" and inserting: "and Community College System of Nevada;".
Amend sec. 2, page 2, line 5, by deleting the period and inserting "; and".
Assemblyman Porter moved the adoption of the amendment.
Remarks by Assemblyman Porter.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Joint Resolution No. 2.

Resolution read third time.

Remarks by Assemblymen Sader, Myrna Williams, Porter and Price.

Roll call on Senate Joint Resolution No. 2:

YEAS—40.

NAYS—Collins.

Absent—Toomin.

Senate Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 7.

Resolution read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Senate Joint Resolution No. 7:

YEAS—41.

NAYS—None.

Absent—Toomin.

Senate Joint Resolution No. 7 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 119.

Bill read third time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 729.

Amend section 1, page 2, after line 34 by inserting:

"7. Designate those portions of wildlife management areas for big game mammals that are of special concern for the regulation of the importation, possession and propagation of alternative livestock pursuant to section 32 of [this act.] *Senate Bill No. 114 of this session.*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective at 12:01 a.m. on October 1, 1993.".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 503.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 722.

Amend sec. 2, page 2, line 6, by deleting "*if*" and inserting: "*at a time when*".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 621.
Bill read third time.
Remarks by Assemblyman Carpenter.
Roll call on Assembly Bill No. 621:
YEAS—35.
NAYS—Anderson, Bache, Chowning, Collins, Porter, Myrna Williams—6.
Absent—Toomin.

Assembly Bill No. 621 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 67.
Bill read third time.
Remarks by Assemblymen Wendell Williams, Anderson and Lambert.
Roll call on Senate Bill No. 67:
YEAS—39.
NAYS—Humke, Lambert—2.
Absent—Toomin.

Senate Bill No. 67 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bill No. 448; Senate Bill No. 41, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 42.

MARY JO MONGELLI
Assistant Secretary of the Senate

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:58 a.m.

ASSEMBLY IN SESSION

At 11:59 a.m.
Madam Speaker pro Tempore presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that the vote whereby Assembly Bill No. 522 was passed be rescinded.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 522 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 731—An Act relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide expressly an exemption for the gross receipts from the sale of tangible personal property by specified governmental entities, to provide requirements to qualify for the exemption of tangible personal property sold to certain organizations created for religious, educational, charitable or eleemosynary purposes and to provide a limited exemption for tangible personal property sold by such organizations; contingently providing the same exemption, requirements and limited exemption for certain analogous taxes; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 161.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 507.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 490.

Amend sec. 7, page 3, line 3, by deleting "*385.383*" and inserting "*485.383*".

Amend sec. 7, page 3, lines 4 and 5, by deleting: "*agent whom the department*" and inserting: "*department of data processing or, if applicable, the nongovernmental agency whom the department of data processing*".

Amend sec. 8, page 3, by deleting lines 8 through 12 and inserting:

"Sec. 8. *1. The department of motor vehicles and public safety shall:*

(a) Create a system for verifying that the owners of motor vehicles maintain the proof of financial responsibility required by NRS 485.185; and

(b) Request the department of data processing to develop and maintain a data base of the records submitted by insurers pursuant to section 9 of this act and the names submitted by the division pursuant to section 10 of this act.

2. If the director of the department of data processing determines that it is necessary and prudent to contract with a nongovernmental agent to develop and maintain the data base of the records submitted by insurers pursuant to section 9 of this act and the names submitted by the division pursuant to section 10 of this act, the director of the department of data processing shall take such actions as are necessary to do so.".

Amend sec. 13, page 4, by deleting lines 28 through 31 and inserting:

"Sec. 13. (Deleted by amendment.)".

Amend the bill as a whole by renumbering sections 19 and 20 as sections 21 and 22 and adding new sections designated sections 19 and 20, following sec. 18, to read as follows:

"Sec. 19. Section 2 of Senate Bill No. 227 of this session is hereby amended to read as follows:

Sec. 2. NRS 41.031 is hereby amended to read as follows:

41.031 1. The State of Nevada hereby waives its immunity from liability and action and hereby consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations, except as otherwise provided in NRS 41.032 to 41.038, inclusive, section 12 of [this act] *Assembly Bill No. 507 of this session* and subsection [3] *4* of this section, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive, or the limitations of NRS 41.010. The State of Nevada further waives the immunity from liability and action of all political subdivisions of the state, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, and subsection [3] *4* of this section, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive.

2. An action may be brought under this section [, in a court of competent jurisdiction of this state,] against the State of Nevada [, any agency of the state,] or any political subdivision of the state. *In any action against the State of Nevada, the action must be brought in the name of the State of Nevada on relation of the particular department, commission, board or other agency of the state whose actions are the basis for the suit. An action against the State of Nevada must be filed in the county where the cause or some part thereof arose or in Carson City.* In an action against the [state or any agency of the state, the] State of Nevada , [must be named as defendant, and] the summons and a copy of the complaint must be served upon the secretary of state [. The] *and the person serving in the office of administrative head of the named agency.*

3. Upon receipt of such a complaint, the secretary of state shall deliver a copy of the complaint to the risk management division of the department of administration.

[3.] *4.* The State of Nevada does not waive its immunity from suit conferred by Amendment XI of the Constitution of the United States.

Sec. 20. Section 3 of Assembly Bill No. 156 of this session is hereby amended to read as follows:

Sec. 3. NRS 485.187 is hereby amended to read as follows:

485.187 1. Except as otherwise provided in subsection 6, the owner of a motor vehicle shall not:

(a) Operate the motor vehicle, if it is registered or required to be registered in this state, without having security for payment of liabilities arising from maintenance or use of the vehicle as required by NRS 485.185.

(b) Operate or knowingly permit the operation of the motor vehicle without having evidence of current insurance of the operator or the vehicle in the vehicle.

(c) Fail or refuse to surrender, upon demand, to a peace officer or to an authorized representative of the department proof of security.

(d) Knowingly permit the operation of the motor vehicle in violation of subsection 3 of NRS 485.186.

2. A person shall not operate the motor vehicle of another unless:

(a) He first ensures that the required evidence of current proof of financial responsibility is present in the motor vehicle; or

(b) He has his own proof of financial responsibility which covers him as the operator of the motor vehicle.

3. Except as otherwise provided in subsection 4, any person who violates subsection 1 or 2 shall be punished by a fine of not less than $600 nor more than $1,000 for each violation. The fine must be reduced to $100 for the first violation if the required proof of financial responsibility is obtained not later than 30 days after the fine is imposed.

4. A person may not be fined for a violation of paragraph (a), (b) or (c) of subsection 1 or for a violation of subsection 2 if he presents evidence to the court that the proof of financial responsibility required by NRS 485.185 was in effect at the time demand was made for it.

5. Failure to deposit security if so required by the provisions of NRS 485.190 is prima facie evidence of violation of the provisions of this section.

6. The provisions of paragraphs (b) and (c) of subsection 1 do not apply if the motor vehicle in question displays a valid permit issued by the department pursuant to NRS 482.3212, 482.396, 482.423 or 482.424 *or section 1 of this act* authorizing the movement or operation of that vehicle within the state for a limited time.''.

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 550.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 586.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 646.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 207.

Bill read second time and ordered to third reading.

Senate Bill No. 214.
Bill read second time and ordered to third reading.

Senate Bill No. 254.
Bill read second time and ordered to third reading.

Senate Bill No. 328.
Bill read second time and ordered to third reading.

Senate Bill No. 357.
Bill read second time and ordered to third reading.

Senate Bill No. 397.
Bill read second time and ordered to third reading.

Senate Bill No. 407.
Bill read second time and ordered to third reading.

Senate Bill No. 443.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 42.

Assemblyman Garner moved the adoption of the resolution.

Remarks by Assemblymen Garner, Spitler, Marvel, Arberry, Humke, Price, Porter and Myrna Williams.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GARNER:

Thank you, Madam Speaker pro Tempore. It is difficult, in a few minutes, to pay sufficient tribute to a former colleague and one of my best friends. The resolution speaks to his accomplishments as a legislator. Certainly, his family can be proud of the legacy that he leaves.

Nick was an outstanding advocate on wildlife issues, education, conservation and cultural activities. He was vitally interested in the well-being of all citizens of this state. As significant as his accomplishments were in the area of public service and his love for the legislature, those things could not come close to equaling his love and concern for Nancy, Stacy and Nicholas.

I want to remember my friend for his great sense of humor, his love for the outdoors and as a fierce competitor. I remind this body that Senator Horn and I roomed together for three sessions. I know how concerned he was for the legislature, friends and family. I believe that it is appropriate that this body recognize and honor those individuals from all walks of life who go beyond normal duty including parents, teachers, citizens and public servants, who help make life better for all of us. My friend, Nick Horn, should be one of those so recognized and remembered. Thank you, very much.

ASSEMBLYMAN SPITLER:

Thank you, Madam Speaker pro Tempore. It is with a great deal of honor that I, too, rise in support of Senate Concurrent Resolution No. 42. Until the last reapportionment, I was in Senator Horn's district. He was one of the first people I went to when I decided to run. Senator Horn was very encouraging throughout the campaign. We both campaigned a great deal. There would be times when I would go home and not really want to do too much more. I would talk with him on the phone. He was always uplifting and encouraging. He helped me throughout the campaign. We walked together on numerous occasions.

I am not a hunter. It was really interesting because during 1991, I ended up on a hunting side of the issues. I had a lot of my friends come and say, "How on earth can you be on

that side of the issue?" Well, I had talked with Senator Horn a couple of times and I asked for his leadership and guidance. He gave me some very good advice. He told me, "Just listen to the issues. What is being done here is the right thing. It will come to you." I did listen. I ended up helping in some ways by Senator Horn's advice in terms of just listening to the issues.

I would call him a lot, particularly when he was very ill. When I would hang up, I would think, "I am the one who is uplifted from this conversation." He was a joy as a friend. He was certainly an honorable person in terms of his service to the State of Nevada.

Today, I am really surprised. I did not know it was going to happen, but I have Lila Macey here with me. Lila was Nick's campaign coordinator every campaign he ever embarked upon in the State of Nevada. I am so proud to have Lila here with me today. I know she shares this support. It is with a great deal of honor that I rise in support of this resolution, Madam Speaker pro Tempore.

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of Senate Concurrent Resolution No. 42. I think I am one of the few in the Assembly who had the pleasure of serving with Nick when he was in the Assembly. We were on the Ways and Means Committee together for a couple of sessions.

Over the years, you do forget the partisanship. Willie and I have always regarded Nick, Nancy and the children as part of our family. One of the things I noticed that is absent from the resolution is the fact that Nick probably did more to establish a decent prison industry program, more or less single handed. He was responsible for bringing the present director of prison industries to the State of Nevada from the State of Illinois. Nick is going to be missed as a friend. It was a pleasure knowing Nick for the time we did.

ASSEMBLYMAN ARBERRY:

Thank you, Madam Speaker pro Tempore. I rise in support of this resolution. I knew Nick for a very short period of time as a legislator. Out of that short time we had together, we came to know one another more so on the racketball court. When session would start, Nick would come in and say, "Well Moose, are you ready to relieve your stress?" I would say, "Yes, I am, sir." Nick would say, "Well, let's go to the racketball court." On the court, we would discuss legislation and issues pertinent to both houses.

I really cherish one moment when Nick and I got closer. We went on a conference trip together. I kept telling Nick about my great ribs. I kept telling him I was going to come over and cook ribs for him and Nancy. One night, we ventured out in a car and figured we would go get some ribs. I would cook them on the trip. We got the ribs. We got on the freeway and then we could not get off the freeway. We drove around for almost two hours trying to figure how to get off. Our wives were saying it was not them, because they knew the way to get off. It was us. I will really cherish that time spent together. I will miss Nick because he kept me in line. He showed me the way in dealing with finances. We love him. Thank you.

ASSEMBLYMAN HUMKE:

Thank you, Madam Speaker pro Tempore. I believe I served with Nick in this house for one term. He was very kind to freshmen legislators. He often had a gruff exterior because he knew the process very well. He knew the parliamentary process and Mason's Manual. He knew all of the rules and how to work them. He seldom lost. I recall it was just heck being on the opposite of an issue with him. When you were on the same side of the issue, it was a great ride and a lot of fun.

I remember during one biennial legislative softball game in a play-off at the plate, Nick broke his thumb. I was the catcher at the time. I also have to say it was his own fault because we had a "no slide rule." As he went past, he slapped at the catcher's mitt to knock the ball out. He broke his thumb that way. He was a fierce competitor.

I have a friend who taught a class at the university every session. She would have Nick come over to give a speech on the legislative process. He started out giving his eleven ways to kill a bill. He was an expert on that process. I think he was loved by everyone who served with him. He will be sincerely missed.

ASSEMBLYMAN PRICE:

Thank you, Madam Speaker pro Tempore. I had the pleasure and education of having served with Nick from the time he started in 1977. I think there are few, if any of us, that have been as talented and as steady as he was in doing his job over the years. Nick seldom got excited, or showed it. He was an extremely competent legislator. He represented our state and his district very well. He was a good friend and a pleasure to work with.

I was trying to recall a famous speech that he made in California where he was talking about legislation. He made some remark that got a lot of press attention. I remember talking to him about that later on. He indicated that he wished he had left part of the remark out. He was a wonderful legislator. He loved his family. We are so proud Nick's family is here today and that we are able to share our memories with them.

ASSEMBLYMAN PORTER:

Thank you, Madam Speaker pro Tempore. I rise in support of Senate Concurrent Resolution No. 42 and to pay tribute to Nick Horn. If the tables were reversed, he would do the same for me. Madam Speaker pro Tempore, I had the honor to know Senator Horn real well last session. I want to tell you a brief story. The resolution speaks of Nick's sense of humor.

Last session, as you know, was very contentious and very partisan. I remember a situation toward the end of session when we were trying to do reapportionment. Of course, this house was locked, 21 up. The democrats did have a one vote majority in the Senate. In our brilliant strategy, we decided to try to run it from the reverse end down. The Senate had passed a very partisan version of reapportionment. At that point, Senator Hickey had become ill and had to leave, leaving the Senate in a 10-10 tie. That was something that we, in this house, were quite used to because we had spent the whole session in a tie. I remember going down to the Senate with Mr. Sader that day, probably about 2 p.m. We walked into Senator Vergiel's office and there were the ten democrats with very forlorn looks on their faces because they were now in a 10-10 situation with the tie-breaking vote now being the Lieutenant Governor, who as you know, is a Republican. It was a situation Bob and I were quite used to. We walked in and saw their faces. Bob looked around and said, "Smile, the cavalry is here." Nick jumped up and said, "Hi, I am pleased to meet you. I am General Custer!" I will never forget that. It kind of typifies Nick's sense of humor and ability to laugh at a very tense, pressure situation. That remark calmed all of us down. We sat down and got to work. We figured out a strategy and ultimately got out of here. With that, Madam Speaker pro Tempore, I wish the family well. Thank you.

Madam Speaker pro Tempore requested the privilege of the Chair for the purpose of making the following remarks:

I will not repeat all the good things about Nick. We all know those. We could sure use his sense of humor. We sorely miss him.

Resolution adopted unanimously.

Assemblyman Giunchigliani moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:35 p.m.

ASSEMBLY IN SESSION

At 12:38 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Gibbons:

Assembly Bill No. 732—An Act relating to the environment; establishing the requirements for the review of a project or program that significantly affects the environment; and providing other matters properly relating thereto.

Assemblyman Gibbons moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen Neighbors, Dini, Collins, Hettrick, Carpenter, Marvel, Price, de Braga, Regan, Perkins, Heller, Petrak, Bonaventura, Smith and Gibbons:

Assembly Bill No. 733—An Act relating to public lands; providing a civil remedy and a criminal penalty for certain acts; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 64; Senate Bills Nos. 54, 69, 291.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Janelle Butner, Christine Tomasek, Julie Nielsen, Mr. Denis Desmarais and the following students from Richmond School, Susanville, California: Amber Banks, Kristen Dwinell, John Bishop, Michele Burke, Matt Dustin, Angie Eastwood, Heather Gillaspie, Nick Graham, Eric Harrison, Kathy Hoffmann, Melissa Holland, Marc Kellison, Bob Nielsen, Shannon Olson, Jason Rogne, Kendall Spangler, Austin Standiford, Brian Taylor, Julie Theobald, Heather Tomasek and Jennifer Weston.

On request of Assemblyman Bonaventura, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Patricia Conley.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Jeanne Adams and Linda Tye.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Bob Wolf.

On request of Assemblyman Garner, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Nancy Horn, Stacy Horn, Maxine Ellis, Gaylene Anderson, Messrs. Nicholas Jason Horn, Don Ellis and Scott Boyce.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Richard Culver and Tony Salvatierra.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Sue Coffey.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Maggie Lambrose and Eva Segerblom.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Mary Jones and Lila Macey.

Assemblyman Porter moved that the Assembly adjourn until Saturday, June 5, 1993 at 8 a.m.

Motion carried.

Assembly adjourned at 12:50 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTY-NINTH DAY

CARSON CITY (Saturday), June 5, 1993

Assembly called to order at 8:10 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen de Braga, Haller and McGaughey, who were excused.

Prayer by the Chaplain, The Reverend Bill McCord.

O Lord, our God, be with the members of this Assembly today and every day. Guide them in their deliberations, help them to overcome their differences that the welfare of the people of this great state may be uppermost in their decisions. May they remember especially the least among us, for by their care will all of us be judged. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 364, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Concurrent Resolution No. 36, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

VAL Z. GARNER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 4, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 155, 555.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 19.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 65.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 353, 503.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 152, 413.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 36.

Resolution read.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 700.

Amend the resolution, page 1, by deleting lines 23 and 24, and inserting: "Supreme Court and the Board of Regents of the University and Community College System of Nevada to request that all state buildings under their respective control which are equipped with a flagpole display, until".

Amend the resolution, page 2, between lines 2 and 3 by inserting:

"RESOLVED, That the offer by the National League of Families of American Prisoners and Missing in Southeast Asia to provide the necessary flags is hereby accepted and no public money will be expended to supply or replace the flags; and be it further

RESOLVED, That the flags be flown until such time as the Governor publicly proclaims that the fates of these Americans have been appropriately resolved; and be it further".

Amend the resolution, page 2, by deleting line 7 and inserting: "Board of Regents of the University and Community College System of Nevada.".

Amend the preamble of the resolution, page 1, between lines 2 and 3 by inserting:

"WHEREAS, Many other Americans remain missing as a result of World War II and the Korean Conflict; and".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Resolution ordered reprinted and engrossed.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 734—An Act relating to taxation; requiring the commission on economic development to reconsider whether a business qualifies for an exemption or deferment from taxes if the Nevada tax commission requests reconsideration and indicates its specific objections; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 152.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 353.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 413.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 503.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Gibbons moved that Senate Bill No. 118 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Gibbons.

Motion carried.

Assemblyman Gibbons moved that Senate Bill No. 119 be placed on the General File.

Remarks by Assemblyman Gibbons.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 14.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 625.

Amend sec. 2, page 1, by deleting lines 7 through 10 and inserting: "*secret unless the disclosure is made for the purpose of a civil, administrative or*".

Amend sec. 3, page 1, line 19, after "*officer*" by inserting "*or member*".

Amend sec. 3, page 1, line 21, after "*officer*" by inserting "*or member*".

Amend sec. 3, page 1, line 23, by deleting: "*officer or employee*" and inserting: "*officer, employee or member*".

Amend sec. 4, page 2, by deleting lines 16 through 21, and inserting:

"*(a) Any trade secret or confidential business information that is contained in a bid submitted to a governing body or its authorized representative on a particular contract; or*

(b) Any other trade secret or confidential business information submitted to a governing body or its authorized representative by a bidder and designated as proprietary by the governing body or its authorized representative.

As used in this subsection, "confidential business information" means any information relating to the amount or source of any income, profits, losses or

expenditures of a person, including data relating to cost or price submitted in support of a bid. The term does not include the amount of a bid submitted to a governing body or its authorized representative.".

Amend sec. 4, page 2, line 23, by deleting: "*agent or consultant*" and inserting: "*agent, consultant or member*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 328.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 448.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 486.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 692.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 41.

Bill read second time and ordered to third reading.

Senate Bill No. 246.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 699.

Amend sec. 9, page 4, by deleting line 27 and inserting: "*fewer than 100 beds or in a correctional institution housing fewer than 1,500*".

Amend sec. 14, page 6, line 31, by deleting "*established*" and inserting "*approved*".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

GENE T. PORTER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 422 be re-referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 735—An Act relating to taxation; revising the provisions governing the manner of assessing the value of certain beneficial uses and possessory interests in property for the purposes of imposing property taxes; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:26 a.m.

ASSEMBLY IN SESSION

At 8:27 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 187 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 161.

Bill read third time.

Remarks by Assemblyman Petrak.

Roll call on Assembly Bill No. 161:

YEAS—37.

NAYS—None.

Absent—de Braga, Haller, Heller, McGaughey—4.

Not voting—Carpenter.

Assembly Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 168.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Bill No. 168:

YEAS—38.

NAYS—None.

Absent—de Braga, Haller, Heller, McGaughey—4.

Assembly Bill No. 168 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 334.

Bill read third time.
Remarks by Assemblymen Petrak, Carpenter, Sader and Porter.
Roll call on Assembly Bill No. 334:
YEAS—37.
NAYS—None.
Absent—de Braga, Haller, Heller, McGaughey—4.
Not voting—Carpenter.

Assembly Bill No. 334 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Collins moved that Assembly Bill No. 474 be taken from the General File and re-referred to the Committee on Ways and Means.
Remarks by Assemblyman Collins.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 366.
Bill read third time.
Remarks by Assemblyman Bennett.
Roll call on Assembly Bill No. 366:
YEAS—39.
NAYS—None.
Absent—de Braga, Haller, McGaughey—3.

Assembly Bill No. 366 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 398.
Bill read third time.
Remarks by Assemblymen Kenny, Marvel and Giunchigliani.
Roll call on Assembly Bill No. 398:
YEAS—37.
NAYS—Carpenter, Hettrick—2.
Absent—de Braga, Haller, McGaughey—3.

Assembly Bill No. 398 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 411.
Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Assembly Bill No. 411:
YEAS—39.
NAYS—None.
Absent—de Braga, Haller, McGaughey—3.

Assembly Bill No. 411 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 414.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 414:

YEAS—34.

NAYS—Carpenter, Lambert, Marvel, Tiffany—4.

Absent—de Braga, Haller, McGaughey—3.

Not voting—Sader.

Assembly Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 530.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Assembly Bill No. 530:

YEAS—39.

NAYS—None.

Absent—de Braga, Haller, McGaughey—3.

Assembly Bill No. 530 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 550.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Assembly Bill No. 550:

YEAS—39.

NAYS—None.

Absent—de Braga, Haller, McGaughey—3.

Assembly Bill No. 550 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 553.

Bill read third time.

Remarks by Assemblyman Smith.

Roll call on Assembly Bill No. 553:

YEAS—37.

NAYS—Heller, Scherer—2.

Absent—de Braga, Haller, McGaughey—3.

Assembly Bill No. 553 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 586.

Bill read third time.
Remarks by Assemblymen Neighbors and Collins.
Roll call on Assembly Bill No. 586:
YEAS—39.
NAYS—None.
Absent—de Braga, Haller, McGaughey—3.

Assembly Bill No. 586 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 646.
Bill read third time.
Remarks by Assemblymen Augustine, Sader and Arberry.
Assemblyman Arberry moved that Assembly Bill No. 646 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Arberry.
Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:55 a.m.

ASSEMBLY IN SESSION

At 9:11 a.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Concurrent Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Bill No. 425, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 634; Senate Bill No. 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 4.

Resolution read.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 662.

Amend the resolution, pages 1 and 2, by deleting lines 16 through 28 on page 1 and lines 1 through 16 on page 2, and inserting:

"RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the State Fire Marshal and the State Emergency Response Commission, in consultation with local emergency planning committees, are hereby directed to conduct a study of:

1. The feasibility of creating regional response teams to respond to incidents involving hazardous materials; and

2. The desirability and feasibility of establishing agreements of mutual aid between local entities that respond to incidents involving hazardous materials;

and be it further

RESOLVED, That the portion of the study concerning the feasibility of creating regional response teams include an evaluation of:

1. The equipment and vehicles necessary to create regional response teams;

2. The required number of personnel necessary to staff the regional response teams;

3. The required levels of training for personnel staffing the regional response teams;

4. The areas in the state to comprise regions and the locations of response units within the regions;

5. The number of regional response teams necessary for the state;

6. The initial costs involved in creating regional response teams; and

7. The costs involved in maintaining regional response teams;

and be it further

RESOLVED, That the portion of the study of mutual aid agreements include an evaluation of districts served by local emergency planning committees to determine:

1. The equipment available to respond to incidents or risks relating to hazardous materials;

2. The number of paid and volunteer persons who respond to incidents involving hazardous materials;

3. The levels of training of paid and volunteer persons who respond to incidents involving hazardous materials;

4. Past incidents or risks relating to hazardous materials;

5. Potential future incidents or risks relating to hazardous materials;

6. Areas in Nevada that may benefit from agreements of mutual aid between local entities that respond to incidents involving hazardous materials;

7. The capability of providing the minimal response necessary to mitigate risks arising out of incidents involving hazardous materials until special equipment or trained personnel arrive; and

8. The amount of revenue needed to achieve the capability of providing the minimal response necessary to mitigate risks arising out of incidents involving hazardous materials, with and without the establishment of mutual aid agreements;

and be it further

RESOLVED, That the State Fire Marshal and the chairman of the State Emergency Response Commission report the results of the study and any recommended legislation to the Director of the Legislative Counsel Bureau on or before January 1, 1995, for distribution to the 68th session of the Nevada Legislature; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the State Fire Marshal and the chairman of the State Emergency Response Commission.".

Amend the preamble of the resolution, page 1, by deleting lines 7 through 15 and inserting:

"WHEREAS, The formation of regional teams of persons trained in the emergency response to incidents involving hazardous materials is one approach to providing a coordinated response to such incidents in all areas of the State of Nevada; and

WHEREAS, Agreements of mutual aid between local entities constitute another approach which may benefit certain areas in Nevada because the joining of resources may help provide a quick and efficient response to incidents involving hazardous materials in a cost-effective manner; now, therefore, be it".

Amend the title of the resolution to read as follows:

"ASSEMBLY CONCURRENT RESOLUTION—Directing the state fire marshal and the state emergency response commission, in consultation with local emergency planning committees, to conduct a study of the feasibility of certain alternatives for providing a coordinated response to incidents involving hazardous materials.".

Amend the summary of the resolution to read as follows:

"Summary—Directs state fire marshal and state emergency response commission, in consultation with local emergency planning committees, to study certain alternatives for providing coordinated response to incidents involving hazardous materials. (BDR R-377)".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Resolution ordered reprinted and engrossed.

GENERAL FILE AND THIRD READING

Senate Bill No. 61.

Bill read third time.

Remarks by Assemblymen Toomin, Carpenter, Sader and Evans.

Assemblyman Evans moved that Senate Bill No. 61 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Evans.

Motion carried.

Senate Bill No. 207.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Senate Bill No. 207:

YEAS—39.

NAYS—None.

Absent—de Braga, Haller, McGaughey—3.

Senate Bill No. 207 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 214.

Bill read third time.

Remarks by Assemblyman Augustine.

Roll call on Senate Bill No. 214:

YEAS—39.

NAYS—None.

Absent—de Braga, Haller, McGaughey—3.

Senate Bill No. 214 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 254.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Senate Bill No. 254:

YEAS—39.

NAYS—None.

Absent—de Braga, Haller, McGaughey—3.

Senate Bill No. 254 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 311.

Bill read third time.

Remarks by Assemblyman Toomin.

Roll call on Senate Bill No. 311:

YEAS—39.

NAYS—None.

Absent—de Braga, Haller, McGaughey—3.

Senate Bill No. 311 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 328.

Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Senate Bill No. 328:
YEAS—39.
NAYS—None.
Absent—de Braga, Haller, McGaughey—3.

Senate Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 357.
Bill read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Senate Bill No. 357:
YEAS—38.
NAYS—Garner.
Absent—de Braga, Haller, McGaughey—3.

Senate Bill No. 357 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 397.
Bill read third time.
Remarks by Assemblymen Kenny, Freeman and Porter.
Roll call on Senate Bill No. 397:
YEAS—39.
NAYS—None.
Absent—de Braga, Haller, McGaughey—3.

Senate Bill No. 397 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 407.
Bill read third time.
Remarks by Assemblyman Scherer.
Roll call on Senate Bill No. 407:
YEAS—39.
NAYS—None.
Absent—de Braga, Haller, McGaughey—3.

Senate Bill No. 407 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 443.
Bill read third time.
Remarks by Assemblyman Smith.
Roll call on Senate Bill No. 443:
YEAS—39.
NAYS—None.
Absent—de Braga, Haller, McGaughey—3.

Senate Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 118.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Senate Bill No. 118:

YEAS—39.

NAYS—None.

Absent—de Braga, Haller, McGaughey—3.

Senate Bill No. 118 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 119.

Bill read third time.

The following amendment was proposed by Assemblyman Gibbons:

Amendment No. 750.

Amend section 1, page 2, line 4, by deleting "*subsequently*".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 376.

The following Senate amendment was read:

Amendment No. 673.

Amend sec. 3, page 2, line 16, after "*race,*" by inserting "*sex,*".

Amend the title of the bill, third line, after "basis of" by inserting "sex,".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 376.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 361.

The following Senate amendment was read:

Amendment No. 520.

Amend the bill as a whole by renumbering sections 2 through 4 as sections 3 through 5 and inserting a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 122.062 is hereby amended to read as follows:

122.062 1. Any licensed or ordained minister in good standing within his denomination, whose denomination, governing body and church, or any of them, are incorporated or organized or established in the State of Nevada, may join together as husband and wife persons who present a marriage

license obtained from any county clerk of the state, if such minister first obtains a certificate of permission to perform marriages as provided in [NRS 122.062] *this section and NRS 122.064* to 122.073, inclusive. The fact that a minister is retired [shall] *does* not disqualify him from obtaining a certificate of permission to perform marriages if, [prior to such] *before his* retirement, he had active charge of a congregation within this state for a period of at least 3 years.

2. A temporary replacement for a licensed or ordained minister certified pursuant to [NRS 122.062] *this section and NRS 122.064* to 122.073, inclusive, may solemnize marriages pursuant to subsection 1 during such time as he may be authorized to do so by the county clerk in the county in which he is a temporary replacement, for a period not to exceed 90 days. The minister whom he temporarily replaces shall provide him with a written authorization which [shall state] *states* the period [of time] during which it is effective.

3. Any chaplain who is assigned to duty in this state by the Armed Forces of the United States may solemnize marriages, if he obtains a certificate of permission to perform marriages from the county clerk of the county in which his duty station is located. The county clerk shall issue such *a* certificate to a chaplain upon proof by him of his military status as a chaplain and of his assignment.

4. A county clerk may authorize a licensed or ordained minister whose congregation is in another state to perform [one or more] marriages in the county, if the county clerk satisfies himself that [:

(a) The] *the* minister is in good standing with his denomination or church . [; and

(b) There is a relationship of consanguinity within the fourth degree between the minister and a member of each couple whose marriage he is to solemnize.] The authorization [shall] *must* be in writing and [shall limit the number of marriages to be performed, but] need not be filed with any other public officer. *A separate authorization is required for each marriage performed. Such a minister may perform not more than five marriages in this state in any calendar year.*".

Amend sec. 2, page 2, by deleting line 41 and inserting:

"*3. In any calendar year, a justice of the peace may perform not more than 20 marriage ceremonies in commis-*".

Amend sec. 2, page 2, by deleting line 44 and inserting:

"*4. In any calendar year, a municipal judge may perform not more than 20 marriage ceremonies in this state if he*".

Amend the title of the bill by deleting the first and second lines, and inserting:

"An Act relating to marriage; expanding the circumstances under which a licensed or ordained minister whose congregation is in another state may be authorized to perform a limited number of marriages in this state; authorizing under certain circumstances a municipal judge to perform a limited number of marriages in this state and a justice of the peace to perform a limited number of marriages in a".

Amend the summary of the bill to read as follows:

"Summary—Broadens provisions for authorizing performance of marriages. (BDR 11-573)".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 361.

Remarks by Assemblymen Sader, Gibbons and Porter.

Assemblyman Sader withdrew his motion.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 241, 527; Assembly Resolution No. 9; Senate Bills Nos. 12, 78, 392; Senate Concurrent Resolution No. 41.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Juanita Williams and Joan Donato.

Assemblyman Porter moved that the Assembly adjourn until Monday, June 7, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 9:49 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FORTY-FIRST DAY

CARSON CITY (Monday), June 7, 1993

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Haller, who was excused.

Prayer by the Chaplain, Bishop Bill Brewer.

We are grateful to live in this free country, and for the opportunity to participate in the democratic process. We are grateful for those who serve here in the Nevada Assembly. We ask Thee to bless them in their work that they might work efficiently and make decisions in the best interest of those they serve. We ask for these blessings in the name of Jesus Christ. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 499, 581, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 433, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 50, 257, 502, 529.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 80, 316, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 139, 159, 411, 485.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 4.

Assemblyman Freeman moved the adoption of the resolution.

Remarks by Assemblyman Freeman.

Resolution adopted, as amended.

Assembly Concurrent Resolution No. 36.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblyman Hettrick.

Resolution adopted, as amended.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Heller:

Assembly Bill No. 736—An Act relating to telecommunication services; exempting interexchange carriers from certain provisions concerning rate regulation and other matters; authorizing such carriers to provide intrastate telecommunication services between all exchanges in this state; requiring the public service commission of Nevada to adopt regulations authorizing a person to subscribe to the interexchange carrier of his choice; and providing other matters properly relating thereto.

Assemblyman Heller moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 737—An Act relating to vehicles owned by the state; mandating the adoption of regulations requiring certain state officers and employees to reimburse the state for their use of vehicles owned by the state for the purpose of commuting from their residences to their places of employment; revising certain provisions prohibiting the private use of vehicles owned by this state; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 139.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 159.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 411.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 485.

Assemblyman Porter moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 364 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 425.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 742.

Amend section 1, page 1, line 4, by deleting "56th" and inserting "[56th] *63rd*".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 634.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 492.

Bill read second time and ordered to third reading.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:23 a.m.

ASSEMBLY IN SESSION

At 11:59 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bill No. 274; Assembly Joint Resolution No. 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 207, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

JAN EVANS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Evans moved that Assembly Bill No. 444 be placed on the Second Reading File.

Remarks by Assemblyman Evans.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 738—An Act relating to public administrators; making the sheriff of Carson City ex officio public administrator for the county; removing the duty of the clerk of Carson City to serve as the public administrator; requiring the sheriff of Carson City to deposit with the treasurer all fees received by him as the public administrator; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 113.

Bill read third time.

Remarks by Assemblymen Freeman and Perkins.

Roll call on Assembly Bill No. 113:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 187.

Bill read third time.

Remarks by Assemblymen Petrak, Regan, Scherer, Schneider, Porter, Sader and Heller.

Assemblyman Bennett requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. To my colleagues in the Assembly, I rise in support of Assembly Bill No. 187 and ask my colleagues to do the same. Assembly Bill No. 187 provides for the regulation of rent increases in mobile home parks in counties with more than 35,000 inhabitants. The bill provides that, except to recover the cost of major improvements or repair, a landlord may not increase the rent by more than an amount greater than the cost of living increase granted to recipients of Social Security. The

maximum rate of increase in 1993 is set at three percent. A landlord wishing to recover the cost of major improvements or repair must file an application with the administrator of the Division of Financial Institutions and pay the filing fee of $750 plus $1 for each lot in the mobile home park. After the application is received, the administrator must schedule a public hearing and inform the tenants of the proposed increase. Following the hearing, the administrator must approve or disapprove the increase. The bill provides an administrative penalty of $1,000 a month for landlords who violate these provisions. The measure will become effective upon passage and approval and expires by limitation on July 1, 1997.

Mr. Speaker and my colleagues, I would like to say that when I was 24 years old, I was in the United States Army during World War II for 54 months as an enlisted man and as an officer. Then, for 28 years, I was in private business, almost the age of Scott Scherer. In 1972, I was instrumental in starting the Ohio lottery. I joined the state lottery in the executive and marketing departments for 13 years. The reason I give you this background is, in all of my life I have never seen a person or groups of persons such as young families with children and our retired seniors who live in mobile homes, who are exposed to the shabby and rent gouging tactics of many mobile home park owners. Assembly Bill No. 187 will correct this injustice. Frequent rent gouging increases must stop.

And, Mr. Speaker, it is kind of sinful when you think about people that live in mobile home parks and those of us that are kind of up in years. Here is a letter from a lady that says in 1990—and this is along the subject of costs of living—her hospital insurance was $42 a month. In 1991 it was $57 a month; in 1992, it was $68.50 a month; and in 1993 it is $94 a month. How in the world can folks like this get along? Just last month I was notified by the provider of the people that furnish medications and prescriptions to me in retirement, and I paid for my prescriptions at $2 a prescription. I got a notice from them that the prescription that I was being given for $2 is no longer. It is an over-the-counter prescription, so the cost for the prescription for 25 days is $26 a prescription. That amounts to $365 out of my pocket for an over-the-counter prescription that I have to buy and am not reimbursed for in any manner. That is another additional cost that I have, from $28 out of my pocket to $365. We have dozens of illustrations just like this on the way that seniors are booted around, kicked around, and then we get into the rent justification, or the "Fair Rent Act." Here is another case of an annual increase of $312. Here is another one, ten percent increase per year in the park. I have a park that says, "Hey, sign the lease for four years, and we will charge you seven percent increase each year. If you don't sign it, you will pay a nine percent increase each year." I have landlords who have said, "Hey, sign this lease for ten years or else we're going to increase—we're not going to tell you what we're going to increase your rent to if you don't sign it." We have parks in that manner. I have another park that says, "Sign this lease for 15 years starting at four percent and ending at nine percent, plus amenities."

Here is a Vietnam war veteran. His average annual increase is $540. I have a letter here from a lady, "Our many seniors need a break. We had a $65 a month rent increase the first of last year and $45 in January. We are attempting to keep up our property." Here's another one from a mobile home park in Carson, incidentally, and it says, "Annual increase $240 plus $120 if you have over two people living in your space." In other words, if you have two of your children or something like that, it is an additional $120 for each additional one. I have with me, and you have seen in the newspaper, Mr. Brian Greenspan, I'll read what he said in an article. It says, "In another time, I might have opposed this seeming incursion into the capitalistic marketplace, but not this time. People who have worked and saved their whole lives need some relief and were sent virtually begging from the commission chambers, and they were talking about that. They deserve more and we could have done more. Perhaps we'll get another chance to make it right. I guess I'm getting soft. Try it, you might like it."

We have a priest who writes a weekly column in the Las Vegas newspapers, and he says, "Thousands of reputable citizens live in mobile home parks in Clark County. They're proud of their single, double or triple wide homes which are tastefully furnished and well-maintained inside and out." Then he says, "County commissioners, the Las

Vegas City Council and the state legislators, when are you going to consider the often obscene rent raises now occurring annually in most parks? Say enough is enough and regulate these unregulated park owners or face homeowners' wrath come election time."

I could go on for the next ten minutes, but time is fleeting so I will ask kindly if you will consider voting for this legislation. It's so important to the 28,000 mobile home owners in the three counties that we're talking about. And thank you, Mr. Speaker, for giving me this time.

ASSEMBLYMAN REGAN:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Bill No. 187. And if I may, Mr. Speaker, this problem has been going on in Clark County for about 15 years. About 14 years ago, we wrote the first rent justification bill which has been fought both in this area and in Clark County. But, what I would like to do today, Mr. Speaker, if I might, is read a letter that Bill sent to most of us this morning. He said, "I encourage your support for A.B. No. 187. The bill was introduced to provide fair equity, a commodity which apparently seems to elude price gouging landlords, and yet would provide senior and younger citizens with affordable housing venues and alternatives to higher home ownership and apartment dwellings that are out of reach to those on fixed incomes or with lower paying jobs.

"Fair park rental, in this instance, would enhance the living conditions of those that can ill afford extraordinary added expenses, in light of our current exorbitant costs for medical, auto and home insurance, and everyday living costs which must be borne by all who are on limited incomes and are not yet a drain on our dwindling state assistance resources.

"In conclusion, A.B. No. 187 is not a housing rent control, that is it is not involved with apartments and/or home rentals, and will not deprive the landlords or landowners of the right to impose fair and equitable rent increases." I would suggest that my colleagues support this bill. Thank you, Mr. Speaker.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker. I rise in opposition to Assembly Bill No. 187. I do so basically for two reasons. First of all, rent control does not work. It has not worked anywhere it has been tried. I do not see any reason why we would expect that things would be different here in Nevada. I have tremendous empathy for the seniors living on fixed incomes. I have a number of them in my district. I do feel for them. The seniors in my district live on fixed incomes for the most part and live in homes. These are the people who will bear the brunt of this bill should it pass.

Assembly Bill No. 187 will not allow rent increases above the cost of living without the approval of the administrator. In order to get approval from the administrator, you have to have made a substantial repair or capital improvement. Even if you have done that, you are still at the whim of the administrator. In order to apply for approval, you must pay a fee of $750 plus one dollar for each and every space in the mobile home park. If that is not enough, for the administrator to complete his or her investigation and approve your rent increase, you must pay the additional cost. There is no cap on how much a landlord can be required to pay under this bill just to apply for a rent increase in the case of capital improvements.

The result, there will be no more investment in mobile home parks. There will be no capital improvements. With age, those mobile home parks will depreciate rapidly in value. The property surrounding those mobile home parks will depreciate in value. The tax base of the counties will be eroded. Someone is going to have to bear the brunt of that through increased tax rates. I submit that those will be the seniors living in my district on fixed incomes who will be facing property tax increases to pay for the erosion of the tax base that Assembly Bill No. 187 will create.

ASSEMBLYMAN SCHNEIDER:

Thank you, Mr. Speaker. I, too, rise in opposition to this bill. Regardless of a person's stand on rent control, and I can say that rent control has been tried all over the world. If

you lower the gates and let people move in the world wherever they want, Mr. Speaker, it seems like everyone wants to come to the United States. We encourage no control while other countries have. That is my talk on rent control.

This bill digs deeper. It actually will cause, from some of the language that has been inserted here, landlords not to make improvements to their properties. Like my colleague from Clark County has said, landlords will actually be inhibited because of financial risks on their part for making investments in their parks. I am a landlord and have been a landlord for 20 years. I do know for me to maintain a property and to increase the value of that property is in my best interest and my tenants best interest. If this type of control were put on single family and multi-family residences, as it is proposed for mobile home parks, I would have to divest myself of that property immediately. It would ruin my investment and cause much hardship to me and my tenants. For that reason, Mr. Speaker, I oppose this.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. I rise in support of Assembly Bill No. 187. It is interesting that my colleague from Clark County would talk about 15 years ago in this body. That is true, Mr. Speaker, there is a reason why this bill keeps coming back, and back, and back. That is because today we have not found a solution for the problem. We have had a lot of discussion about helping the senior citizens. Every year, we seem to come here and debate this issue over and over again. We hear the same old arguments about capitalism and free enterprise, how landlords will not improve their property, how zoning laws do not allow for free competition. Now we have a tax base erosion argument. We have the traditional rent control failure. We have the lack of investment in mobile home parks generically.

Mr. Speaker, the only mobile home park that I know of that is under construction, the only one for a long time in my political career, I believe, happens to be in my district. There is only one. There are not a lot of people rushing to build mobile home parks in Clark County to give these people an option, assuming that they could even afford to move to the new parks. So do not tell me about competition and all these people clamoring to come in here to build mobile home parks. It just is not happening. As far as everyone wanting to improve their parks, the parks in my district have not been improved except for a coat of paint on Tropicana Village out on West Tropicana. The landlord paints the fence once a year and raises the rent $20. The fence is purple this year. It was blue last year. It will probably be green the year after that. That is what is going on in Clark County, Mr. Speaker. That is the issue with these people.

If this bill does not pass here or gets killed in the Senate, it will be back next session. I guarantee it. It was in front of the Clark County Commission last year. It will be back in front of them if we do not do something. This issue is not going to go away. Two years ago, Mr. Speaker, my colleague from District No. 6, if I may quote him, said that, "When human rights conflict with property rights, human rights must always prevail." This is a classic situation, for those words never rang truer. I would urge my colleagues to think about the senior citizens that they represent. Think about those people on fixed incomes. Think about Mr. Petrak's constituents and your own. Try and do something to help these people for a change. Thank you.

ASSEMBLYMAN REGAN:

Thank you, Mr. Speaker. To you and through you to the majority leader, I would like to remind him that the park being built in his district is a park being built by the Jaycees in Clark County by the Housing Authority on BLM land. It took 12 years to get through all the bureaucracy of the federal government, and it is not private industry building that park.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker. Our esteemed majority leader brought up one point that I would like to speak to, and that is, why don't we do something for these people? Last session, we did set up a fund to help those low-income people who cannot afford their rent increases, who cannot afford to continue living in those parks. That fund has been collected. It is just now going into operation. It has not had time to see whether, in fact,

this is the solution to the problem. I think it is the best solution that we have found so far. I am not sure it is the only solution, but I know that rent control is not. Thank you, Mr. Speaker.

ASSEMBLYMAN SCHNEIDER:

Thank you, Mr. Speaker. I would like to address the comments by our distinguished majority leader, and I respect what he has to say. There are some problems, but I can tell you, Mr. Speaker, that I have had an opportunity in the last 15 years to invest in mobile home parks and because of this issue continually coming before our county commission and the state legislature, and not knowing where I stand with this investment, I have opted not to invest. And I feel that that is what has happened here. That is what is causing part of the problem. We, who set public policy, keep looking at this issue, and we scare off investors who will step out and take the chance. I know in my heart that is what is happening here, and I think to address my colleague from Clark County, the senior problem, this does not correct it. This is a Band-Aid on the problem. It will create more problems. I think the senior issue can be addressed in another way. And by leaving rent control alone, I think we can get investors to come back into our community and really take a hard look and generate the ground spaces we need for fair competition. Thank you.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. I rise in support of this bill. All of the speakers so far have been from southern Nevada. I think someone from northern Nevada ought to stand up and state clearly that this is a statewide issue, and we need to have our fair share of representation on the question. The question of rent control and the availability of mobile home spaces in areas of the free enterprise system, these arguments on doctrine on people's beliefs largely lose their import and are out of context in this particular debate. The whole reason that we have so few mobile home parks and have such real problems, at least the majority of the reasons, are zoning laws. And the fact that those of us who live in stick houses generally do not support the expansion of land uses for those who do not. We protest vigorously any kind of mobile home park in an area near a stick-built house. As a result of that, you have less and less space available, and more and more people unable to move. The free marketplace does not work in this area. This is a situation which government has created, and behind government, behind the elected officials, are the beliefs of most of us who do not want to see mobile home parks near stick-built houses.

I live in a district which is over 60 percent mobile homes. In my district, if you go up over a rise, you come down into a valley which is out of sight from everyone else, but 20,000 people in mobile homes live there. If you ask those people, they will tell you that they consider themselves second-class citizens, at least in terms of their lifestyle because other people look down on them. That is the reason this bill is necessary, and it will always be necessary, as the majority leader said, until such time as we can get something else.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker and my colleagues, again. The investment factor is a good factor; private industry is a good way to go. But when you gain in your business from those that cannot fight back, that do not have representation, then you are picking on a real nucleus of, "Boy, we can get these people." And that is exactly what is happening to the young families with children that live in mobile home parks. That is what is happening to the seniors that live in mobile home parks. A gal in one of the districts said, "We don't have money for lobbyists, so we have to spend for ourselves and try to get some fair treatment for the rent problem. We have lived in this park 11 years and we have had a rent increase every year. We started at $179 and now we're up to $333. My lease is up March 1, but we were asked to sign a ten year lease." And then it goes on asking for our help because, "I don't know what the owners of Heritage Park can charge me with no lease, or what we will have to come up with because there are no laws to stop them from doing what they want to do." They are begging for help, and it is not a hearts and flowers situation here. It is a case of literally tens of thousands of people. I appreciate my colleague, Mr. Scherer, who is from a very wealthy district where there are no mobile homes, and I appreciate his thinking on this. But, I also appreciate the fact that I think this is a "fair

rent act." It does not have a, I could use a swear word, but I will not, it does not have a darn thing to do with rent control in apartments. It has very little to do, in my thoughts, with the development people, with the apartment people, with the real estate people, and with the Chamber of Commerce. And that is exactly what is on the other side of the fence in all of this. I feel real bad about the terrible problems that exist among these people. If anybody that is in opposition to this would like to go with me, I would spend a week, three days, or a weekend, and take them through literally hundreds and hundreds of cases where these people are being gouged, be it a young family with children or be it a senior that is living on a fixed income. Most of these owners that are violating all of this are from out of state. Merrill Lynch in New York has an investment. They say, "Hey, you sign this lease or we're going to sock you with a nine or ten percent increase in your rent." What are we doing with that profit they make? We are taking it and we are sending it tax-free out of the state. There is an outfit in Michigan where they literally send millions of dollars in tax-free rent gouging proceeds out of the state. They are not taxed in any manner, and that is what we are dealing with. And so, I certainly urge you to reconsider, or to consider rather, supporting the people in our state that have a need in these three counties: Carson, Clark and Washoe. We need your support, and they need your help, badly. I appeal for your help. Thank you.

ASSEMBLYMAN HELLER:

Thank you, Mr. Speaker. I rise in support of Assembly Bill No. 187. We have heard from Clark County, we have heard from Washoe, maybe it is time to hear a little bit from the rurals. I have some constituents sitting in the gallery today who are mobile home park owners. It would be my desire that all mobile home park owners are as dedicated, conscientious, responsible and caring as Jim and Mae Thorpe. Other mobile home park owners in my district are also as caring, including the Van Pattens and the Allens. The fact of the matter is, I spend time on weekends knocking on doors, going to mobile home parks. Not everybody is all that fortunate to have those kind of mobile home park owners, so I would urge my colleagues to support this bill.

Roll call on Assembly Bill No. 187:

YEAS—26.

NAYS—Bonaventura, Ernaut, Gregory, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Scherer, Schneider, Tiffany, Mr. Speaker—13.

Absent—Haller.

Not voting—Carpenter, Collins—2.

Assembly Bill No. 187 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 328.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Assembly Bill No. 328:

YEAS—40.

NAYS—Anderson.

Absent—Haller.

Assembly Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 448.

Bill read third time.

Remarks by Assemblymen Price and Evans.

Roll call on Assembly Bill No. 448:

YEAS—37.

NAYS—Bennett, Scherer, Spitler, Myrna Williams—4.

Absent—Haller.

Assembly Bill No. 448 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 486.

Bill read third time.

Remarks by Assemblymen Sader and Anderson.

Roll call on Assembly Bill No. 486:

YEAS—37.

NAYS—Anderson, Collins, Perkins, Spitler—4.

Absent—Haller.

Assembly Bill No. 486 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 503.

Bill read third time.

Remarks by Assemblyman Smith.

Roll call on Assembly Bill No. 503:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 503 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 507.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 749.

Amend the bill as a whole by renumbering sections 21 and 22 as sections 23 and 24 and adding new sections designated sections 21 and 22, following sec. 20, to read as follows:

"Sec. 21. Section 1 of Senate Bill No. 193 of this session is hereby amended to read as follows:

Section 1. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. For each stock passenger car and each reconstructed or specially constructed passenger car, regardless of weight or number of passenger capacity, a fee for registration of $33.

2. For every motorcycle, a fee for registration of $33 and an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the state highway fund for credit to the account for the program for the education of motorcycle riders.

3. For each transfer of registration a fee of $6 in addition to any other fees.

4. [To] *Except as otherwise provided in NRS 485.383, to* reinstate the registration of a motor vehicle suspended pursuant to [NRS 485.383] *that section,* a fee of $100, which must be deposited in the account for verification of insurance which is hereby created in the state highway fund and must be used to carry out the provisions of NRS 485.383 and sections 7 to 13, inclusive, of [this act.] *Assembly Bill No. 507 of this session.*

5. For every travel trailer, a fee for registration of $27.

6. For every permit for the operation of a golf cart, an annual fee of $10.

Sec. 22. Section 9 of Senate Bill No. 193 of this session is hereby amended to read as follows:

Sec. 9. (Deleted by amendment.)".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 692.

Bill read third time.

Remarks by Assemblymen Garner, Collins, Bennett, Neighbors and Smith.

Assemblyman Bennett requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GARNER:

Thank you, Mr.Speaker. Assembly Bill No. 692 increases the total number from five to seven members on the Colorado River Commission (CRC). The measure decreases the number from five to four members appointed by the Governor from among those who provide water in southern Nevada. The bill also provides that the remaining three members be appointed by the board of directors of the Southern Nevada Water Authority from among the board's membership. All of the CRC members may receive per diem allowances and travel expenses, but only the Governor's appointees are entitled to receive compensation while engaged in official commission business.

This bill is supported by many of the local governments including Clark County, Las Vegas, Henderson, Boulder City and other entities in the southern part of the state. Finally, Assembly Bill No. 692 is effective on July 1, 1993. On that date, the terms of the current members of the CRC expire. The Governor and the Southern Nevada Water Authority are directed to appoint the new members as soon as practicable after that date.

I want it to be made part of the record that an amendment is being drafted on the Senate side to address concerns relating to power contracts and present proportional allocations concerning the small power companies like White Pine and Lincoln counties, Overton Power and the BMI Complex. I believe this reconfiguration represents the best interests of the state in addressing our water needs. I also believe it represents the best interests of the state when it comes to eliminating "water grab" in the rural part of the state.

This bill went out of the Government Affairs Committee on a vote of 12 to 2. I urge a Do Pass.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. I rise in opposition to this legislation. Back in 1968, I worked for the water district for a few months. My grandpa and dad worked there. I have been in southern Nevada for a long time. I live in North Las Vegas now. My water bill went up about 33 percent last October. A year before that, it went up about 33 percent. I think the Southern Nevada Water Authority is just an extra layer of bureaucracy that we do not need in southern Nevada, between the water district and the Colorado River Commission. Furthermore, some of our local elected officials, I do not think know much about water, and I do not think they need to have a hand in what goes on in the State of Nevada as far as the Colorado River Commission. I urge you to vote against this legislation.

ASSEMBLYMAN BENNETT:

Thank you, Mr. Speaker. I rise in support of Assembly Bill No. 692. I think one of the keys to this bill is the fact that in the past there has been an obvious lack of communication and coordination of efforts between the Colorado River Commission and the local water purveyors. Specifically, earlier this year, the Colorado River Commission was negotiating for possible water rights in Colorado and the local purveyors, who would have had to pay for that water in an estimated amount of nearly $200 million, were unaware that the negotiations were taking place. It is important for both southern Nevada and the rest of the state that those efforts be coordinated. Thank you.

ASSEMBLYMAN NEIGHBORS:

Thank you, Mr. Speaker. Originally, this bill gave me a lot of heartburn. Three of the four counties that I represent are very involved in the power, and three of them in what is sometimes referred to as the "water grab." In committee, I voted for the bill. I will today with the understanding and hopes that the small power companies would be represented. It would appear that the amendment will be added on the Senate side. The other recommendation I made was, hopefully, that the Governor will appoint someone from a rural county. I certainly hope that comes about. Finally, I do believe that this bill will open up options for the authority to look for other ways of finding water. For that reason, I will be voting for this bill today. Thank you.

ASSEMBLYMAN SMITH:

Thank you, Mr. Speaker. I rise in opposition to Assembly Bill No. 692. I recognize that there are problems right now with water. However, I feel that if the current board needs major overhauling, it can be done without a coup d'etat. When we have problems with our government, we do not haul out the military and say we are taking over because we do not feel you are doing your job correctly. I feel that there exists right now the opportunity with the Governor, if he has a problem with the board, he has complete authority to make those changes and to make it work. This is the wrong approach and for this reason, I rise in opposition.

Roll call on Assembly Bill No. 692:

YEAS—36.

NAYS—Collins, de Braga, Evans, Giunchigliani, Smith—5.

Absent—Haller.

Assembly Bill No. 692 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that Senate Bill No. 41 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Price.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 210.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Senate Bill No. 210:

YEAS—41.

NAYS—None.

Absent—Haller.

Senate Bill No. 210 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 444.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 738.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 449.243 is hereby amended to read as follows:

449.243 Every hospital licensed pursuant to the provisions of NRS 449.001 to 449.240, inclusive:

1. May, except as *otherwise* provided in subsection 2, utilize the Uniform Billing and Claims Forms established by the American Hospital Association.

2. Shall, *except as otherwise provided in this subsection,* on its billings to patients, itemize, on a daily basis, all charges for services, equipment, supplies and medicines and describe those charges with specificity and in language that is understandable to an ordinary lay person. This itemized billing must be timely provided after the patient is discharged at no additional cost. *If the patient is charged a rate, pursuant to a contract or other agreement, that is different than the billed charges, the bill may instead specify the agreed rate for the services, equipment, supplies and medicines.* The hospital shall answer any questions regarding the bill.

3. Shall prepare a summary of charges for common services for patients admitted to the hospital and make it available to the public.

Sec. 2. Section 21 of chapter 706, Statutes of Nevada 1991, at page 2338, is hereby amended to read as follows:

Sec. 21. 1. As used in this section:

(a) "Charge master" means the uniform list of billed charges described in NRS 439B.400, except that the term includes the uniform list of billed charges for units of service or goods provided on an outpatient basis.

(b) "Department" means the department of human resources.

(c) "Director" means the director of the department.

(d) "Hospital" has the meaning ascribed to it in NRS 439B.110.

(e) "Major hospital" means a hospital which has 200 or more licensed or approved beds, or any hospital in a group of affiliated hospitals in a county which have a combined total of 200 or more licensed or approved beds, that is not operated by a federal, state or local governmental agency.

(f) "New major hospital" means a hospital that becomes a major hospital, as defined in paragraph (e), on or after July 1, 1991.

(g) "Revenue neutral" means a change in price made by a hospital that neither increases nor decreases the gross revenue of the hospital.

2. On or before July 1, 1991, each major hospital shall submit to the department a complete charge master for the hospital that will be effective on July 1, 1991. The charge master must be submitted on a computer medium in a form acceptable to the director.

3. Except as otherwise provided in subsections 4 to [8,] *9,* inclusive, during the period from July 1, 1991, through June 30, 1995, no major hospital may:

(a) Raise the unit price of any item in its charge master.

(b) Modify the unit to which a price applies unless the change is revenue neutral.

(c) Replace an existing item in the charge master with a different item or add a new item to its charge master unless the price for the different or new item is approved by the director.

4. The director shall by regulation establish a procedure and standards for approving charges for items that:

(a) Are not stated in the charge master;

(b) Represent special equipment, supplies or medication ordered by a physician; and

(c) Are not standard items that the hospital regularly provides,

and for such other unique or unusual items as the director prescribes by regulation. The director shall allow a hospital to use the rate formula that the hospital has in effect on July 1, 1991, for determining charges for such items.

5. A major hospital shall notify the department in writing of any modification pursuant to paragraph (b) of subsection 3 or the replacement or addition of an item pursuant to paragraph (c) of subsection 3 not less than 10 days, excluding Saturdays, Sundays and legal holidays, after the modification, replacement or addition. The hospital shall submit with the notice documentation that:

(a) The modification is revenue neutral; or

(b) The different or additional item is priced at a level that reflects the same rate of return on the item as the hospital receives on comparable items or received on an item being replaced.

6. If the director determines that a modification pursuant to paragraph (b) of subsection 3 is not revenue neutral or that a replacement or addition pursuant to paragraph (c) of subsection 3 exceeds the level allowed pursuant to paragraph (b) of subsection 5, he shall disapprove the proposed charge and notify the hospital of the charge he will allow for the items disapproved. The hospital shall charge the amount approved by the director and shall

credit the bill of any patient charged the amount disapproved the difference between the approved charge and the actual charge within 20 days, excluding Saturdays, Sundays and legal holidays, after receiving notice of the disapproval. If the director does not give notice of disapproval pursuant to this subsection within 20 days, excluding Saturdays, Sundays and legal holidays, after receiving notice of the modification, replacement or addition, the modification, replacement or addition shall be deemed approved.

7. If any new state or federal taxes are imposed on hospitals between July 1, 1991, and June 30, 1992, except the tax imposed on hospitals pursuant to section 13 of this act and the tax imposed pursuant to section 16 of this act, a major hospital may increase the prices in its charge master by an amount that will generate net revenue sufficient to recover the amount of the added expense. Prices may be increased pursuant to this subsection only to compensate for new taxes. Prices must not be increased to correspond with increases in existing taxes, or a modification, reconfiguration or replacement of existing taxes which results in an increased tax burden on a hospital. The director shall by regulation establish the mechanism for carrying out the increase allowed by this subsection.

8. At any time during the fiscal years 1992-93, 1993-94 and 1994-95, a major hospital may increase the price of any item on its charge master by a percentage up to the percentage increase, if any, in the Consumer Price Index (Medical Care Component for All Urban Consumers) as published by the Bureau of Labor Statistics of the United States Department of Labor for the most recent 12-month period for which information is available at the time the notice of the allowable increase is given pursuant to subsection [9.] *10.* A hospital shall notify the director in writing within 10 days, excluding Saturdays, Sundays and legal holidays, after making an increase allowed by this subsection. In addition to the increases authorized by this subsection, a hospital may modify the unit to which a price applies, replace an existing item in the charge master with a different item or add a new item to its charge master during the fiscal years 1992-93, 1993-94 and 1994-95 in the manner provided in subsections 5 and 6.

9. *In addition to the increase allowed pursuant to subsection 8, at any time during the fiscal year 1993-94 or 1994-95, a major hospital in a county whose population is 400,000 or more may increase the price of any item on its charge master by up to 4 percent if the hospital, as of June 1, 1993, does not maintain an obstetrical or pediatric unit. A hospital shall notify the director in writing within 10 days, excluding Saturdays, Sundays and legal holidays, after making an increase allowed by this subsection.*

10. On or before May 1, 1992, May 1, 1993, and May 1, 1994, the director shall notify each major hospital of the permissible percentage increase in each item in its charge master for the succeeding fiscal year.

[10.] *11.* A major hospital shall submit to the department upon request by the director a detailed listing of charges by the identification code used in the hospital's charge master for any inpatient admission or outpatient visit on a computer medium in a form acceptable to the director.

[11.] *12.* A new major hospital shall submit to the director a complete charge master for the hospital at least 60 days before becoming a major hospital. The charge master must be submitted on a computer medium in a form acceptable to the director. The director shall review, revise as appropriate, and approve the prices in the charge master based upon the prevailing charges in the area in which the new major hospital is located. After approval of the charge master, the hospital is subject to the provisions of this section to the same extent as other major hospitals. The director shall adopt regulations governing the approval of a charge master pursuant to this subsection.

[12.] *13.* A major hospital which considers its financial condition so weakened that the quality of care provided by the hospital is seriously jeopardized by any provision of this act may request approval to increase the prices in its charge master by submitting a written request for the increase and supporting documentation to the director. The director shall consider the potential impact on the quality of care provided by the hospital and the probability that failure to grant relief would cause financial instability. The director may approve the request, or revise and approve the request, if he determines that such approval is necessary to ensure the ability of the hospital to provide adequate care to its patients.

[13.] *14.* A hospital that submits its charge master for approval pursuant to subsection [11] *12* or requests an increase in its prices pursuant to subsection [12] *13* shall pay the department a fee for its review of the charge master or the request. The director shall by regulation establish rates or fees for the department's review of the charge master or the request.

[14.] *15.* A hospital shall not:

(a) Raise a unit price in its charge master unless authorized pursuant to this section;

(b) Charge a patient a higher price for any item than the price stated in the charge master or otherwise authorized pursuant to this section; or

(c) Except as authorized pursuant to subsection 4, charge a patient for any item not included in its charge master without seeking the approval of the director as required by subsections 5 and 6.

[15.] *16.* The director may compare a major hospital's actual charges with the charges authorized pursuant to this section to determine whether the hospital's charges are in compliance with the provisions of this section. If the director determines that a hospital has engaged in a pattern of violations or committed an egregious violation of any provision of this section, he may impose an administrative penalty on the hospital of not more than:

(a) Two times the difference between the price charged in violation of this section and the allowable price, for each instance in which that item is billed; or

(b) One thousand dollars,

whichever is greater.

[16.] *17.* The director may adopt such regulations as he considers necessary to carry out the provisions of this section.

Sec. 3. This act becomes effective on July 1, 1993.".

Amend the title of the bill to read as follows:

"An Act relating to hospitals; authorizing a hospital to bill a patient at the contracted rate if that rate is different than the itemized charges; authorizing certain major hospitals to increase the price of items on their charge masters during the ensuing biennium; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to hospitals. (BDR 40-606)".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Assemblyman Evans moved that Assembly Bill No. 444 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 364 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 364.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 703.

Amend sec. 2, page 2, by deleting lines 27 and 28 and inserting:

"*(10) Any record retained in the personnel files of a governmental entity.*

(11) Any material which is owned, prepared, used, received, retained or maintained by a governmental entity in the course of its activity in a partnership formed between the government and the private sector to carry out the public's business, to the extent that the material does not relate directly and substantially to the public's business.

2. As used in this section "employment information" means the:".

Amend sec. 3, page 2, by deleting lines 41 through 44 and inserting:

"Sec. 3. *If the status of a particular public record has not been specifically addressed by statute, the public record must be disclosed unless, with respect to the particular record, the general policy in favor of open records is outweighed by an expectation of privacy or a justification for nondisclosure based on public policy.*".

Amend sec. 4, page 3, by deleting line 13 and inserting: "meanor.] *A public*".

Amend sec. 4, page 3, by deleting line 17 and inserting:

"*(2) By a specific statute of this state or any regulation authorized specifically by statute to declare such a restriction;*".

Amend sec. 4, page 3, by deleting lines 22 through 29 and inserting: "*data, unless the disclosure is in statistical form which does not associate the information with the identification of a particular person.*

(c) It contains information which was received by the public service commission of Nevada, its staff or the office of advocate for customers of public utilities under a specific condition limiting its public disclosure and the commission determines that continued nondisclosure is justified.".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblymen Bennett, Porter, Spitler and Lambert.

Conflicts of interest declared by Assemblymen Spitler and Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 155, 199, 376, 555; Assembly Joint Resolution No. 19; Assembly Concurrent Resolution No. 65; Senate Bill No. 67; Senate Concurrent Resolution No. 42.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Peggy Bowen, Mary Ann Kidder and the following students from Stead Elementary School: Clelia Alfaro, David Butterfield, Rebecca Ford, Shala Freeland, Nicholas Frye, Shaun Gardiner, Brandi Hochhalter, Jason Hosier, Jesse Jones, Kimberly Kennedy, Natasha Lee, Tawsha Levell, Jessica Ludolph, Scott Maldonado, Ladonna McAllister, Dau'n McNall, Randall Meyer, Welon Sage, Tara Sensi Baugh, Kristie Sipple, Shane Stewart, Sabrina Thomas, Audrey Tover, Jacob Vastano, Ehren Watson, Nicole Welch, Kristi Wilkinson, Jared Bliese, Dawn Boyd, Kathy Bryant, Daniel Carey, Abram Crosmer, Christopher Gardiner, Daniel Glenn, Elizabeth Hall, Jodi Hanes, Jacob Jones, Tyler McWhirter, Corina Metzger, Katherine Michela, Julia Moore, Casey Morgan, Cassandra Roberts, William Snow, Kristin Southard, Tiffany Tarleton, Bridget Taylor, Cassie Terrell, Carlie Thomas, Justin Tyler, Martha Wood and David Wright.

On request of Assemblyman Kenny, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Evan Vick, Christopher Clearwater, Ryan Clearwater, Mss. Sara Vick and Lyn Vick.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Bobbie Stephens and Mrs. Daryle Stephens.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, June 8, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:59 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FORTY-SECOND DAY

CARSON CITY (Tuesday), June 8, 1993

Assembly called to order at 11:27 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Haller, who was excused.

Prayer by the Chaplain, Brother Bruce Barnum.

Father in Heaven, we come before Thee at this time, grateful for the opportunity to serve Thee and our fellow man. We pray for Thy spirit to be with us, to give us light, courage, strength, and the inspiration to discharge our obligations, and to assume the responsibilities that rest upon our shoulders. And to search out truth, for truth will direct us and give guidance in our lives, our state, and to our nation. Thus, we pray Lord for Thy guidance. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 349, 360, 463, 604, 654, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Concurrent Resolution No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 351, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 177, 543, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 609, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 222, 382, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 7, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 478.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 57, 430.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Joint Resolution No. 2.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Humke, Gibbons, Hettrick, Perkins, Augustine, Wendell Williams, de Braga, Collins, Regan, Heller, Petrak, Bonaventura, Segerblom, Freeman, Myrna Williams, Anderson, Evans, McGaughey, Spitler, Toomin, Bennett, Ernaut, Schneider, Neighbors, Carpenter, Arberry, Sader, Marvel, Gregory, Garner, Smith, Bache, Tiffany, Scherer, Giunchigliani, Kenny, Chowning, Lambert, Porter, Price, Haller and Dini:

Assembly Concurrent Resolution No. 66—Commending Brian Lent on his scholastic achievement.

WHEREAS, Brian Lent was born in Reno, Nevada, in 1970, attended Reno schools and graduated as valedictorian from Reed High School in 1989; and

WHEREAS, Brian Lent became fascinated by computers at an early age and while he was in high school he formed his own computer software development and publishing company called *Micro Revelations, Inc.*; and

WHEREAS, Brian Lent created a computer game named "Xenocide" which has received international acclaim and is presently sold in Australia, New Zealand, Taiwan, Singapore, Malaysia and Hong Kong, as well as in the United States; and

WHEREAS, This computer game was classified as "The Third All-Time Best Entertainment Title for the Apple Computer," and as having the "Best Graphics and Animation of the Year" by *InCider/A+* magazine; and

WHEREAS, After being awarded a 4-year Presidential Scholarship, in May 1993, Brian Lent graduated *summa cum laude* from the University of Nevada, Reno, with a 4.0 grade point average, majoring in Computer Science in the Honors Program, and was recognized for his outstanding achievement by being awarded the Herz Gold Medal for "Highest Scholastic Achievement"; and

WHEREAS, Brian Lent is looking forward to his graduate education and plans to study at Stanford University, Cornell University or the University of California at Berkeley; and

WHEREAS, Brian recently was awarded the *Department of Defense Office of Naval Research Graduate Fellowship*, one of only three such fellowships awarded worldwide, and as an Office of Naval fellow, his entire graduate education will be paid for along with additional research opportunities available during the summer months at any Naval research center of his choosing; and

WHEREAS, Brian Lent was further awarded a *National Science Foundation Graduate Fellowship* for graduate study toward a doctorate at a school of his choice as well as the *Cornell University Graduate Fellowship* for study at Cornell University; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 67th session of the Nevada Legislature hereby commend and congratulate Brian Lent for his outstanding scholastic achievement as an undergraduate, and wish him a successful future as he continues his studies in computer science; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mr. Brian Lent.

Assemblyman Humke moved the adoption of the resolution.

Remarks by Assemblymen Humke and Anderson.

Assemblyman Chowning requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise in support of Assembly Concurrent Resolution No. 66. Today, in this age of gangs, youth violence and all of the troubles that we see in our state, country and world, I think it is nice to stop and have a resolution of this type honoring the life's work of a very young man who has accomplished a great deal in his life.

I am very proud to say that four years ago, I stood on this floor, not too far from this very spot, and introduced this young man as the valedictorian of Reed High School. Brian went on and achieved a similar record at the University of Nevada attaining a 4.0 record as the resolution states. Brian is now focusing on Stanford University. Brian says he will probably go there.

Brian has given testimony to this legislature. Brian is a well-rounded citizen. He does his civic duty. Mr. Speaker, I think you perhaps know as well as anyone, that Brian designed the blueprint for what is now the computer big game drawing system that the State of Nevada now uses. For many years, many famous experts in data processing in this state said it couldn't be done. Brian said, "Yes, it can." They said, "It can't be done." Brian said, "Yes, it can." Mr. Speaker, about one week ago it was done. This young man, who said all along that it could be done, showed the experts that it could and came up with the blueprint.

The resolution also speaks to the fact that while in high school, Brian started his own business. He is now successful in that business. I could say he has taken his God given talent and has devoted it to computer games, but that would be a bit trite. It is a going business and Brian is making a success of it. One of the things that he is doing right now is taking off into a new business direction. He is currently working on software development for attorneys so that they can do electronic forms filing for the Immigration, Naturalization Service. Now, that is important.

I cannot say enough about Brian. If I were standing in his shoes, I just wish I had half the God given talents that he has. I believe that an instructor from Reed High School may want to say a few words about Brian. Thank you, Mr. Speaker.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in support of this resolution. Mr. Brian Lent is a most deserving young man, who has only just started, I believe, showing the great potential that he truly has. I concur with my colleague from Washoe County in that Brian is a unique individual who has demonstrated his God given talent. The world is filled with people with talent. It is the use that that talent is put to. Brian Lent is the kind of individual who clearly showed, even in high school, that he was going to make a mark upon the world. He worked hard at Reed and clearly led his class throughout, not just as an academic scholar, but as a person who cares. Mr. Lent has shown a strong sense of humor. I know from personal experience. He belonged to a group called the Ghost Towners. His activities in the wilderness area of this state clearly shows that he is not just a one-dimensional person. This is a man who is going to make all of us proud, and does make us all proud. I think Assembly Concurrent Resolution No. 66 clearly shows that.

Resolution adopted unanimously.

Assemblyman Humke moved that all rules be suspended and that Assembly Concurrent Resolution No. 66 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Concurrent Resolution No. 17.

Resolution read.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 676.

Amend the resolution, page 1, line 23, by deleting "programs" and inserting: "a national program".

Amend the resolution, page 1, by deleting lines 25 through 28 and inserting:

"RESOLVED, That the Nevada Legislature urges the Governor to establish a task force to examine existing and proposed programs in this state for providing personal assistance services for persons with disabilities and propose recommendations relating to the planning, development, refinement and implementation of those programs; and be it further

RESOLVED, That the Governor appoint the following persons to the task force, to serve without compensation or reimbursement for expenses:

1. Persons with disabilities;
2. Administrators of programs providing personal assistance services for persons with disabilities;
3. Representatives of state agencies;
4. Members of the Nevada Legislature; and
5. Any other interested person the Governor considers appropriate.".

Amend the title of the resolution to read as follows:

"SENATE CONCURRENT RESOLUTION—Urging the Governor to establish a task force to examine existing and proposed programs in this state for providing personal assistance services for persons with disabilities.".

Amend the summary of the resolution to read as follows:

"Summary—Urges Governor to establish task force to examine programs for providing personal assistance services for persons with disabilities. (BDR R-955)".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Resolution ordered reprinted and engrossed.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Petrak, Chowning, Anderson, Regan, Price, Schneider, Myrna Williams, Perkins, Toomin, Porter and Bache:

Assembly Bill No. 739—An Act relating to insurance; providing regulation of the rates charged for group and blanket health insurance; and providing other matters properly relating thereto.

Assemblyman Petrak moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 740—An Act relating to wildlife; providing a legislative declaration concerning hunting; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Education:

Assembly Bill No. 741—An Act relating to education; expanding the scope of certain suspensions or expulsions of pupils from school; authorizing the psychological evaluation of certain suspended or expelled pupils before their readmission to public school; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 742—An Act relating to court reporters; providing for an additional fee to be paid to court reporters for reporting and transcribing a proceeding in district court, in justice's court, before a grand jury or before a magistrate if the transcript is ordered to be delivered on or before the start of the next day the court is scheduled to conduct business; specifying that such fees must be paid out of the county treasury; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 743—An Act relating to metropolitan police departments; revising the provisions governing the selection of officers to fill certain positions in metropolitan police departments; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 744—An Act relating to amusement parks; establishing requirements for safety for operators of such parks and passengers on rides in such parks; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 745—An Act relating to fraternal benefit societies; revising the fee charged fraternal benefit societies for certificates of authority to issue benefit contracts; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 746—An Act relating to physicians; making various changes relating to licensure to practice of medicine; expanding the grounds for initiating disciplinary action or denying licensure; repealing certain provisions concerning re-examinations, minimum curriculum and hospitals where clinical instruction is given; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 57.

Assemblyman Bennett moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 430.

Assemblyman Bennett moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 478.

Assemblyman Bennett moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 499.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 775.

Amend sec. 2, page 1, lines 4 and 5, by deleting: "*department of motor vehicles and public safety*" and inserting: "*bureau of alcohol and drug abuse of the rehabilitation division of the department of human resources*".

Amend sec. 2, page 1, line 7, after the period by inserting: "*The term includes a facility operated by a court or other governmental agency.*".

Amend sec. 3, page 1, line 11, by deleting "*department*" and inserting: "*bureau of alcohol and drug abuse of the rehabilitation division of the department of human resources*".

Amend sec. 4, page 1, line 14, by deleting "*or*" and inserting: "*violation, if the weight of alcohol in the defendant's blood at the time of the offense was 0.15 percent or more, or any*".

Amend sec. 4, page 1, line 18, after "*assessment of*" by inserting: "*not more than*".

Amend sec. 5, page 2, by deleting lines 20 through 22 and inserting: "*the court pursuant to subsection 2 of section 4 of this act. The court may, at its discretion:*

(a) Order the offender confined in a treatment facility, then release the offender for".

Amend sec. 5, page 2, lines 31 and 32, by deleting: "*ensure that the offender obtains*" and inserting: "*, to the extent possible, arrange for the offender to obtain*".

Amend sec. 6, page 2, line 44, by deleting "*department*" and inserting: "*bureau of alcohol and drug abuse of the rehabilitation division of the department of human resources*".

Amend the title of the bill, second line, after "requiring" by inserting: "under certain circumstances".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 581.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 589.

Amend sec. 2, page 1, line 3, by deleting: "*a potentially dangerous*" and inserting "*an*".

Amend sec. 2, page 1, by deleting line 4 and inserting: "*school, the superintendent shall notify the appropriate law enforcement agency of the escape and immediately thereafter notify the public. The notice to the public must include a description of the inmate. The superintendent shall immediately notify the public upon the apprehension of the inmate.*".

Amend sec. 3, page 1, line 5, by deleting: "*a potentially dangerous*" and inserting "*an*".

Amend sec. 3, page 1, by deleting line 6 and inserting: "*school, the superintendent shall notify the appropriate law enforcement agency of the escape and immediately thereafter notify the public. The notice to the public must include a description of the inmate. The superintendent shall immediately notify the public upon the apprehension of the inmate.*".

Amend the title of the bill, first line, by deleting "allowing" and inserting "requiring".

Amend the title of the bill, third line, by deleting: "of a potentially dangerous" and inserting: "or apprehension of an".

Amend the summary of the bill to read as follows:

"Summary—Requires superintendents of Nevada youth training center and Caliente youth center to notify public upon escape or apprehension of inmate. (BDR 16-1048)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 26.
Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 274.
Bill read second time and ordered to third reading.

Senate Bill No. 433.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 14.
Bill read third time.
Remarks by Assemblyman McGaughey.
Roll call on Assembly Bill No. 14:

YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 14 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 207.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 781.
Amend section 1, page 2, by deleting line 13 and inserting: "of the department of human resources;".
Amend sec. 2, page 2, line 43, by deleting "education" and inserting "human resources".
Assemblyman Spitler moved the adoption of the amendment.
Remarks by Assemblyman Spitler.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 634.
Bill read third time.
Remarks by Assemblyman Evans.
Roll call on Assembly Bill No. 634:

YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 634 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 119.
Bill read third time.

Remarks by Assemblyman Gibbons.
Roll call on Senate Bill No. 119:
YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 119 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 246.
Bill read third time.
Remarks by Assemblyman Bennett.
Roll call on Senate Bill No. 246:
YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 246 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 492.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 492:
YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 492 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 611 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Sader.
Motion carried.

Assemblyman Porter moved that the vote whereby Senate Bill No. 430 was referred to the Committee on Transportation be rescinded.
Remarks by Assemblyman Porter.
Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:12 p.m.

ASSEMBLY IN SESSION

At 12:15 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 430 be referred to the Committee on Judiciary.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 715, 720, 722; Senate Bill No. 388, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 262, 459, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Joint Resolutions Nos. 35, 36, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was re-referred Assembly Bill No. 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 611.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 611:

YEAS—39.
NAYS—None.
Absent—Haller.
Not voting—Scherer, Mr. Speaker—2.

Assembly Bill No. 611 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 50, 257, 502, 529; Senate Bills Nos. 207, 214, 254, 328, 357, 397, 407, 443; Senate Joint Resolution No. 2.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jerry Bateman.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Brian Lent, Gerald Lent and Mrs. Karen Lent.

On request of Assemblyman Porter, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Bobbie Jean Denny, Lori Hargrave Sanchez, Faye Waiton, Lillian Andrew, Helen Thomas, Jo Lee, Norma Larson, Kitty Duarte, Grace Van Dalfsen, Norma Zunino, Eloise McDaniel, Jean Young, Frances Williams, Wilma McDougall, Caroline Biddle, Edie Lavoie, Wanda Martin, Charlette Bowden, Mary Elizabeth Paine, Lee Vecchiarelli, Helen Holtz, B. J. Hetrick, Pat Copeland, Doris Jackson, Elsie Connor, Eulaine Del Monico, Doris Isaeff, Blanche Frances, Patti Ogren and Mr. George La Pearl.

On request of Assemblyman Regan, the privilege of the floor of the Assembly Chamber for this day was extended to Major General Tom Griffith.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, June 9, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:22 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FORTY-THIRD DAY

CARSON CITY (Wednesday), June 9, 1993

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Haller, who was excused.

Prayer by the Chaplain, Brother Ray Case.

Our Father in Heaven, we bow our heads before Thee in the Nevada State Assembly this day.

We are thankful and express appreciation for the Constitution of the United States and particularly the freedoms we enjoy in the State of Nevada.

We invite Thy spirit to be with these fine legislative leaders and we ask that their spirit of discernment be heightened as they consider the affairs of Thy children this day. In the name of Jesus Christ. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 719, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which were referred Assembly Bill No. 528, Senate Bill No. 310, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 706, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 167, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 538, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 8, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 66.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 389, 390.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 247, 278, 396, 437.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Joint Resolution No. 7.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Evans, Chowning, Neighbors, Augustine, Tiffany, Smith, Kenny, Petrak, Dini, Wendell Williams, Garner, Arberry, Marvel, Price and Freeman:

Assembly Concurrent Resolution No. 67—Directing the Legislative Commission to conduct an interim study of the functioning of the Legislative Counsel Bureau.

Assemblyman Evans moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Concurrent Resolution No. 17.

Assemblyman Petrak moved the adoption of the resolution.

Remarks by Assemblyman Petrak.

Resolution adopted, as amended.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 747—An Act relating to the real estate division of the department of commerce; increasing and imposing certain fees that must be paid to the real estate division; providing for the expiration and renewal of an exemption granted by the real estate division from certain provisions governing the sale of subdivided land; making an appropriation to the real estate division for the development, purchase and operation of a data processing system; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 247.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 278.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 389.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 390.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 396.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 437.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 177.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 636.

Amend the bill as a whole by deleting sections 1 through 30 and adding new sections designated as sections 1 through 66 and the text of the repealed section, to read as follows:

"Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 21, inclusive, of this act.

Sec. 2. *"Building code" means ordinances, plans, regulations or rulings adopted by the governing body for the purpose of regulating and specifying the soundness of construction of structures.*

Sec. 3. *"Cities and counties" means all counties and cities located in counties. Carson City is considered as a county.*

Sec. 4. *"City surveyor" means a person appointed as such or a person designated by a city council or other legislative body of the city to perform the duties of a city surveyor pursuant to this chapter.*

Sec. 5. *"Commission" or "planning commission" means the planning commission of the city, the county or the region, as established by ordinance or by the provisions of this chapter.*

Sec. 6. *"Common-interest community" has the meaning ascribed to it in NRS 116.110323.*

Sec. 7. *"County surveyor" means a person appointed as such or a person designated by a board of county commissioners or the board of supervisors of Carson City to perform the duties of a county surveyor pursuant to this chapter.*

Sec. 8. *"Final map" means a map prepared in accordance with the provisions of NRS 278.010 to 278.630, inclusive, and sections 19, 20 and 21 of this act and any applicable local ordinance, which is designed to be placed on record in the office of the county recorder of the county in which any part of the subdivision is located or the recorder of Carson City.*

Sec. 9. *"Governing body" means the city council or other legislative body of the city or the board of county commissioners or, in the case of Carson City, the board of supervisors.*

Sec. 10. *"Improvement" means such street work and utilities to be installed on land dedicated or to be dedicated for streets and easements as are necessary for local drainage, local traffic and the general use of property owners in the subdivision.*

Sec. 11. *"Local ordinance" means an ordinance enacted by the governing body of any city or county, pursuant to the powers granted in NRS 278.010 to 278.630, inclusive, and sections 19, 20 and 21 of this act.*

Sec. 12. *"Lot" means a distinct part or parcel of land which has been divided to transfer ownership or to build. The term does not include a parcel of land used or intended solely for use as a location for a water well.*

Sec. 13. *"Parcel map" means a map as provided in NRS 278.461, 278.462, 278.464, 278.466 and 278.467.*

Sec. 14. *"Right of way" includes all public and private rights of way and all areas required for public use in accordance with any master plan or parts thereof.*

Sec. 15. *"Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, public easements and rights of way, and other ways.*

Sec. 16. *"Subdivider" means a person or governmental entity which causes land to be divided into a subdivision for himself or for others.*

Sec. 17. *"Tentative map" means a map made to show the design of a proposed subdivision and the existing conditions in and around it.*

Sec. 18. *"Utility project" means:*

1. An electric transmission line which is designed to operate at 200 kilovolts or more; or

2. A line used to transport natural gas which operates at 20 percent or more of the specified minimum yield strength of the material from which the line is constructed,

which has been approved for construction after October 1, 1991, by the state or Federal Government or a governing body.

Sec. 19. *1. The map of reversion submitted pursuant to NRS 278.490 must contain the report and the appropriate certificates required by NRS 278.376 and 278.377 for the original division of the land, any agreement entered into for a required improvement pursuant to NRS 278.380 for the original division of the land, and the certificates required by sections 20 and*

21 of this act. If the map includes the reversion of any street or easement owned by a city, a county or the state, the provisions of NRS 278.480 must be followed before approval of the map.

2. The final map of reversion must be:

(a) Prepared by a professional land surveyor registered pursuant to chapter 625 of NRS. The professional land surveyor shall state in his certificate that the map has been prepared from information on a recorded map that is being reverted. The professional land surveyor may state in his certificate that he assumes no responsibility for the existence of the monuments or for correctness of other information shown on or copied from the document. The professional land surveyor shall include in his certificate information which is sufficient to identify clearly the recorded map being reverted.

(b) Clearly and legibly drawn in black permanent ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such a purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with black permanent ink.

3. The size of each sheet of the final map must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

4. The scale of the final map must be large enough to show all details clearly and enough sheets must be used to accomplish this end.

5. The particular number of the sheet and the total number of sheets comprising the final map must be stated on each of the sheets and its relation to each adjoining sheet must be clearly shown.

Sec. 20. *1. A map of reversion presented for recording must include a certificate signed and acknowledged, pursuant to NRS 111.270, by each person who is an owner of the land consenting to the preparation and recordation of the map for the purpose of reversion.*

2. A governing body may by ordinance require a map of reversion presented for recording to include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land; and

(2) Each holder of record of a security interest in the land, if the security interest was created by a mortgage or a deed of trust.

(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the map of reversion. A holder of record of a security interest may consent by signing:

(1) The map of reversion; or

(2) A separate document that is recorded with the map of reversion and declares his consent to the reversion, if the map contains a notation that a separate document has been recorded to this effect.

3. For the purpose of this section, the following shall be deemed not to be an interest in land:

(a) A lien for taxes or special assessments.

(b) A trust interest under a bond indenture.

Sec. 21. *A map of reversion presented to the county recorder for recording must include a certificate by the clerk of the governing body or the planning commission or other authorized person stating that it approved the map.*

Sec. 22. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 2 to 21, inclusive, of this act,* unless the context otherwise requires [:

1. "Building code" means ordinances, plans, regulations, or rulings adopted by the governing body for the purpose of regulating and specifying the soundness of construction of structures.

2. "Cities and counties" means all counties and cities located in counties. Carson City is considered as a county.

3. "Commission" means the planning commission of the city, the county or the region, as established by ordinance or by the provisions of this chapter.

4. "Common-interest community" has the meaning ascribed to it in NRS 116.110323.

5. "County surveyor" means a person appointed as such or a person designated by a board of county commissioners or the board of supervisors of Carson City to perform the duties of a county surveyor pursuant to this chapter.

6. "Final map" means a map prepared in accordance with the provisions of NRS 278.010 to 278.630, inclusive, and those of any applicable local ordinance, which is designed to be placed on record in the office of the county recorder of the county in which any part of the subdivision is located or the recorder of Carson City.

7. "Governing body" means the city council or other legislative body of the city or the board of county commissioners or, in the case of Carson City, the board of supervisors.

8. "Improvement" means such street work and utilities to be installed on land dedicated or to be dedicated for streets and easements as are necessary for local drainage, local traffic and the general use of property owners in the subdivision.

9. "Local ordinance" means an ordinance enacted by the governing body of any city or county, pursuant to the powers granted in NRS 278.010 to 278.630, inclusive, and within the limitations therein set forth, regulating the design and improvement of land subdivisions.

10. "Lot" means a distinct part or parcel of land which has been divided to transfer ownership or to build. The term does not include a parcel of land used or intended solely for use as a location for a water well.

11. "Parcel map" means a map as provided in NRS 278.461, 278.462 and 278.464 to 278.467, inclusive.

12. "Right of way" includes all public and private rights of way and all areas required for public use in accordance with any master plan or parts thereof.

13. "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, public easements and rights of way, and other ways.

14. "Subdivider" means a person who causes land to be divided into a subdivision for himself or for others.

15. "Tentative map" means a map made to show the design of a proposed subdivision and the existing conditions in and around it.

16. "Utility project" means:

(a) An electric transmission line which is designed to operate at 200 kilovolts or more; or

(b) A line used to transport natural gas which operates at 20 percent or more of the specified minimum yield strength of the material from which the line is constructed,

which has been approved for construction after October 1, 1991, by the state or Federal Government or a local government.] , *the words and terms defined in sections 2 to 18, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 23. NRS 278.325 is hereby amended to read as follows:

278.325 1. If *a subdivision is proposed on* land [is subdivided] which is zoned for industrial or commercial development, neither the tentative nor the final map need show any division of the land into lots or parcels, but the streets and any other required improvements are subject to the requirements of NRS 278.010 to 278.630, inclusive [.] , *and sections 19, 20 and 21 of this act.*

2. No parcel of land may be sold for residential use from a subdivision whose final map does not show a division of the land into lots.

3. A subdivider shall not sell a parcel of land for residential use until he has provided the purchaser with a written statement notifying the purchaser that he may receive a supplemental billing requiring the payment of additional property taxes as a result of the subdivision of the parcel and its related reassessment pursuant to subsection 3 of NRS 361.310.

4. Except as otherwise provided in subsection 5, a boundary or line must not be created by a conveyance of a parcel from an industrial or commercial subdivision unless a professional land surveyor has surveyed the boundary or line and set the monuments. The surveyor shall file a record of the survey pursuant to the requirements set forth in NRS 625.340.

5. The provisions of subsection 4 do not apply to a boundary or line that is created entirely within an existing industrial or commercial building. A certificate by a professional engineer or registered architect which certifies compliance with the applicable building code must be attached to any document which proposes to subdivide a building.

Sec. 24. NRS 278.330 is hereby amended to read as follows:

278.330 1. The initial action in connection with the making of any subdivision is the preparation of a tentative map.

2. The subdivider shall file copies of such map with the planning commission [,] *or its designated representative,* or with the clerk of the governing body if there is no planning commission , together with a filing fee in an amount determined by the governing body.

3. The commission, *its designated representative,* the clerk *or other designated representative* of the governing body or, when permitted by the governing body, the subdivider or any other appropriate agency shall distribute copies of the map and any accompanying data to all state and local agencies charged with reviewing the proposed subdivision.

4. If there is no planning commission, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting.

5. Except as otherwise provided by subsection 6, if there is a planning commission , it shall, within 45 days after receiving a tentative map, recommend approval, conditional approval or disapproval of the map in a written report filed with the governing body.

6. If the governing body has authorized the planning commission to act finally on a tentative map, the planning commission shall, within 45 days after receiving a tentative map, approve, conditionally approve or disapprove the tentative map in the manner provided for in NRS 278.349. It shall file its written decision with the governing body.

Sec. 25. NRS 278.335 is hereby amended to read as follows:

278.335 1. A copy of the tentative map must be forwarded by the [local government] *planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body,* to the division of water resources and the division of environmental protection of the state department of conservation and natural resources , and the health division of the department of human resources [,] or the [local representative] *district board of health* acting for the health division [,] *pursuant to subsection 2,* for review.

2. [The] *In a county whose population is 100,000 or more, if the county and one or more incorporated cities in the county have established a district board of health, the* authority of the health division to review and certify proposed subdivisions and conduct construction or installation inspections must be exercised by the district board of health . [or, where there is no district board of health, then by the incorporated city within whose limits, or the county in whose unincorporated area, the subdivision is to be situated if:

(a) The district board of health or the city or county requests such authority of the health division; and

(b) The health division determines that the district board of health or the city or county is adequately staffed to conduct the subdivision review and inspections.]

3. A district board of health [or a city or county] which conducts reviews and inspections under this section shall [certify to the health division within 10 days after filing its recommendations concerning the tentative map and after approving the final map that the subdivision meets] *consider* all the requirements of the law concerning sewage disposal, water pollution, water quality and water supply facilities. *At least four times annually, the district board of health shall notify the health division of the department of human resources which subdivisions met these requirements of law and have been certified by the district board of health.*

4. The state is not chargeable with any expense incurred by a district board of health [or a city or county] acting pursuant to this section.

5. Each reviewing agency shall , within 15 days from the receipt of the tentative map , file its written comments with the planning commission or the governing body recommending approval, conditional approval or disapproval and stating the reasons therefor.

6. The [local government] *planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body* shall, for informational purposes only, immediately forward a copy of the tentative map to the public service commission of Nevada for any subdivision which will provide water or services for the disposal of sewage and is subject to the provisions of NRS 704.679. The public service commission of Nevada shall acknowledge receipt of the tentative map within 15 days after it is received.

Sec. 26. NRS 278.340 is hereby amended to read as follows:

278.340 [1. Whenever any] *Except as otherwise provided in a comprehensive regional plan adopted pursuant to NRS 278.026 to 278.029, inclusive, whenever a* subdivider proposes to subdivide any land within [3 miles] *1 mile* of the [exterior] boundary of a city, [which city has a planning commission, the county planning commission or governing body shall file a copy of the subdivider's tentative map with the city planning commission. The city planning commission shall have not to exceed 30 days' time for action on the map and report to the governing body of the county in which the subdivision is situated. The planning commission or governing body of the county shall take into consideration the report of the city planning commission before approving the tentative map of any subdivision within the 3-mile limit.

2. If such city has no planning commission, the county planning commission or governing body shall file a copy of the subdivider's tentative map with the governing body of the city, which shall report to the planning commission or governing body of the county in which the subdivision is situated within 30 days after such filing. The planning commission or governing body of the county shall take such report into consideration before approving the tentative map of any subdivision within the 3-mile limit.] *the planning commission of the county or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body of the county shall forward a copy of the tentative map to the planning commission of the city or, if there is no planning commission, the governing body of the city for review and comment.*

Sec. 27. NRS 278.345 is hereby amended to read as follows:

278.345 Whenever [any] *a* subdivider proposes to subdivide any [lands] *land* within an incorporated city in a county whose population is [400,000] *100,000* or more, [which does not have a regional planning commission, the city planning commission or governing body shall file a copy of the subdivider's tentative map of the proposed subdivision with the county planning commission. Within 30 days after the map is filed, the county planning commission shall take action on the map and report to the governing body of

the city in which the subdivision is situated. The planning commission or governing body of the city shall take into consideration the report of the county planning commission before approving the tentative map of any subdivision.] *and the proposed subdivision is within 1 mile of the boundary of an unincorporated area of the county, the planning commission of the city or its designated representative, or, if there is no planning commission, the governing body of the city or its designated representative shall forward a copy of the subdivider's tentative map:*

1. To the planning commission of the county for review and comment; or

2. If there is no planning commission of the county, to the clerk of the governing body of the county. The clerk shall submit the map to the governing body of the county at its next regular meeting for review and comment.

Sec. 28. NRS 278.346 is hereby amended to read as follows:

278.346 1. The planning commission or *its designated representative, or, if there is no planning commission, the clerk or other designated representative of the* governing body [with which the tentative map is filed] shall forward a copy of [such] *the tentative* map to the board of trustees of the school district within which [such lands are] *the proposed subdivision is* located. Within 15 days after receipt of [such] *the* copy, the board of trustees shall, if a school site is needed within the area, notify the commission or governing body that a site is requested.

2. If the board of trustees requests a site, the person proposing the subdivision shall set aside a site of the size which is determined by the board. [Such] *The* person *proposing the subdivision* and the board of trustees shall negotiate for the price of the site, which [shall] *must* not exceed the fair [cash] market value of the land as determined by an independent appraisal paid for by the board. If any [lands] *land* purchased by a school district pursuant to the provisions of this subsection have not been placed in use as a school site at the end of 10 years from the date of purchase, [they shall then first] *the land must* be offered to the subdivider or his successor in interest at a sale price equal to the fair market value. If such person does not accept the offer, then the board of trustees may:

(a) Sell or lease such property in the manner provided in NRS 277.050 or NRS 393.220 to 393.320, inclusive;

(b) Exchange such property in the manner provided in NRS 277.050 or NRS 393.326 to 393.3293, inclusive; or

(c) Retain such property, if such retention is determined to be in the best interests of the school district.

3. Except as provided in subsection 4, when any land dedicated to the use of the public school system or any land purchased and used as a school site becomes unsuitable, undesirable or impractical for any school uses or purposes, the board of trustees of the county school district in which the land is located shall dispose of the land as provided in subsection 2.

4. Land dedicated under the provisions of former NRS 116.020, as it read [prior to] *before* April 6, 1961, which the board of trustees determines is unsuitable, undesirable or impractical for school purposes may be reconveyed without cost to the dedicator or his successor or successors in interest.

Sec. 29. NRS 278.347 is hereby amended to read as follows:

278.347 [Except where a board of county commissioners is the board of trustees of a district, when] *When* any subdivider proposes to subdivide land, any part of which is located within the boundaries of any general improvement district organized or reorganized pursuant to chapter 318 of NRS, the [county] planning commission or *its designated representative, or, if there is no planning commission, the clerk or other designated representative of the* governing body shall file a copy of the subdivider's tentative map with the board of trustees of the district. The board of trustees may within 30 days review and comment in writing upon the map to the planning commission or governing body. The planning commission or governing body shall take any such comments into consideration before approving the tentative map.

Sec. 30. NRS 278.348 is hereby amended to read as follows:

278.348 In any county whose population is less than 100,000, when any subdivider proposes to subdivide land, any part of which is located within the boundaries of any irrigation district organized pursuant to chapter 539 of NRS, the [county] planning commission or *its designated representative, or, if there is no planning commission, the clerk or other designated representative of the* governing body shall file a copy of the subdivider's tentative map with the board of directors of the district. The board of directors shall within 30 days review and comment in writing upon the map to the planning commission or governing body. The planning commission or governing body shall take those comments into consideration before approving the tentative map.

Sec. 31. NRS 278.349 is hereby amended to read as follows:

278.349 1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to act finally, shall, by a majority vote of the members present, approve, conditionally approve, or disapprove a tentative map filed [with it] pursuant to NRS 278.330 within 30 days after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map within 45 days after the map is filed with the *clerk of the* governing body.

3. The governing body, or planning commission if it is authorized to act finally on a tentative map, shall consider:

(a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

(b) The availability of water which meets applicable health standards and is sufficient *in quantity* for the reasonably foreseeable needs of the subdivision;

(c) The availability and accessibility of utilities;

(d) The availability and accessibility of public services such as schools, police [and fire] protection, transportation, recreation and parks;

(e) [General conformity] *Conformity* with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

(f) General conformity with the governing body's master plan of streets and highways;

(g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical characteristics of the land such as flood plain, slope and soil; [and]

(i) The recommendations and comments of those entities reviewing the tentative map pursuant to NRS 278.330 [and 278.335.] *to 278.348, inclusive; and*

(j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands.

4. When the board of trustees of a school district develops a plan for the future construction of one or more schools, it shall notify each city, county or regional planning commission any part of whose territory will be served by a proposed school. The notice must include the grades to be taught, the number of pupils to be accommodated, and the area to be served. The board shall notify each commission of any change in or abandonment of its plan.

5. The governing body or planning commission shall, by a majority vote of the members present, make a final disposition of the tentative map. Any disapproval or conditional approval must include a statement of the reason for that action.

Sec. 32. NRS 278.360 is hereby amended to read as follows:

278.360 *1.* Unless a longer time is provided in an agreement entered into pursuant to NRS 278.0201:

[1.] *(a)* Unless the time is extended, the subdivider shall present to the governing body, or planning commission if it has been authorized to act finally, a final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved, or one of a series of final maps, each covering a portion of the approved tentative map, within [1 year] *2 years* or within successive [1-year] *2-year* periods after the date of approval of the tentative map.

[2.] *(b)* If the subdivider fails to record a final map for any portion of the tentative map within [1 year] *2 years* after the date of approval of the tentative map, or within [1 year] *2 years* after the date of approval of the most recently recorded final map, all proceedings concerning the subdivision are terminated.

[3.] *(c)* The governing body or planning commission may grant an extension of not more than 1 year for the presentation of any final map after the [1-year] *2-year* period for presenting the entire final map or next successive final map has expired.

2. If the subdivider is presenting in a timely manner a series of final maps, each covering a portion of the approved tentative map, no requirements other than those imposed on the original final map may be placed on a subsequent final map in the series unless the requirement is directly attributable to a change in applicable laws which affect the public health, safety or welfare.

Sec. 33. NRS 278.372 is hereby amended to read as follows:

278.372 1. The final map must be clearly and legibly drawn in *permanent* black [waterproof india] ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession . [, but affidavits,] *Affidavits,* certificates and acknowledgments must be legibly stamped or printed upon the *final* map with [opaque] *permanent black* ink.

2. The size of each sheet of the *final* map must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom, and right edges, and of 2 inches at the left edge along the 24-inch dimension.

3. The scale of the *final* map must be large enough to show all details clearly. The *final* map must have a sufficient number of sheets to accomplish this end.

4. Each sheet of the *final* map must indicate its particular number, the total number of sheets in the *final* map and its relation to each adjoining sheet.

5. The final map must show all surveyed and mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including the bearings and distances of straight lines, central angle, radii and arc length for all curves and such information as may be necessary to determine the location of the centers of curves.

6. Each lot must be numbered [in sequence.] *or lettered.*

7. Each street must be named and each block may be numbered or lettered.

8. The exterior boundary of the land included within the subdivision must be indicated by graphic border.

9. The *final* map must show the definite location of the subdivision, particularly its relation to surrounding surveys.

10. The final map must show the area of each lot and the total area of the land in the subdivision in the following manner:

(a) In acres, calculated to the nearest one-hundredth of an acre, if the area is 2 acres or more; or

(b) In square feet if the area is less than 2 acres.

11. The final map must also satisfy any additional survey and map requirements of the local ordinance.

Sec. 34. NRS 278.374 is hereby amended to read as follows:

278.374 1. A final map presented for filing [shall] *must* include a certificate signed and acknowledged, in the manner provided in section 14 or 15 of [this act, by any] *Assembly Bill No. 362 of this session, by each* person who is [the] *an* owner of the land:

(a) Consenting to the preparation and recordation of the final map.

(b) Offering for dedication that part of the land which the person wishes to dedicate for public use, subject to any reservation contained therein.

(c) Reserving any parcel from dedication.

(d) Granting any permanent easement for utility installation or access, as designated on the final map, together with a statement approving such easement, signed by the public utility or person in whose favor the easement is created or whose services are required.

2. A final map of a common-interest community presented for recording and, if required by local ordinance, a final map of any other subdivision presented for recording must include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

A report accompanying a final map of a common-interest community must also show that there are no liens of record against the common-interest community or any part thereof for delinquent state, county, municipal, federal or local taxes or assessments collected as taxes or special assessments.

(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:

(1) The final map; or

(2) A separate document that is filed with the final map and declares his consent to the division of land.

3. For the purpose of this section the following shall be deemed not to be an interest in land *:* [under this section:]

(a) A lien for taxes or special assessments.

(b) A trust interest under a bond indenture.

[3. Upon the final map presented for filing by a common-interest community, a title company must, and for any other subdivision a local government may by ordinance require a title company to:

(a) Certify that each person signing the final map owns of record an interest in the land and that all of the owners of record of the land have signed the final map; and

(b) List any lien or mortgage holders of record. For a common-interest community, the certificate must show that there are no liens against the common-interest community or any part thereof for delinquent state, county, municipal, federal or local taxes or assessments collected as taxes or special assessments.]

Sec. 35. NRS 278.375 is hereby amended to read as follows:

278.375 A final map presented for filing must include a certificate of the surveyor responsible for the survey. The certificate must be in the following form:

[Surveyors] *Surveyor's* Certificate

I, ...(Name of Surveyor), a Professional Land Surveyor registered in the State of Nevada, certify that:

1. This [is a true and accurate representation of the lands surveyed] *plat represents the results of a survey conducted* under my *direct* supervision at the instance of.....
(Owner, Trustee, Etc.).
2. The lands surveyed lie within.....
[(Section(s),] *(Section,* Township, Range, Meridian and, if required by the governing body, a description by metes and bounds for any subdivision which is divided into lots containing 5 acres in area or less) ,
and the survey was completed on [(date)] *(Date).*
3. This plat complies with the applicable state statutes and any local ordinances [.] *in effect on the date that the governing body gave its final approval.*
4. The monuments *depicted on the plat* are of the character shown , [and] occupy the positions indicated [.] *and are of sufficient number and durability.*

(OR)

4. The monuments *depicted on the plat* will be of the character shown and occupy the positions indicated by .....
[(a) *(A* day certain) and [that] an appropriate [performance bond has been or] *financial guarantee* will be posted with the [Governing Body] *governing body before recordation* to assure [their installation.

....
date Name of Surveyor,
Registration Number and Seal]

the installation of the monuments.

..... *Registration Number and Seal:*
(Name of Surveyor)

Sec. 36. NRS 278.377 is hereby amended to read as follows:

278.377 1. A final map presented for filing must include a certificate by:

(a) The health division of the department of human resources [,] or the [local agency] *district board of health* acting pursuant to NRS 278.335 indicating that the final map is approved concerning sewage disposal, water pollution, water quality and water supply facilities. The health division or [local agency] *district board of health* may not issue a certificate unless it has received written verification from the division of environmental protection

of the state department of conservation and natural resources that the map or plan has been approved with regard to water pollution and sewage disposal in accordance with the Nevada Water Pollution Control Law.

(b) The division of water resources of the state department of conservation and natural resources, showing that the final map is approved concerning water quantity.

2. Any person aggrieved by the issuance or denial of approval with regard to water pollution and sewage disposal by the division of environmental protection of the state department of conservation and natural resources may appeal to the state environmental commission, which shall affirm, modify or reverse the action of the division. The commission shall adopt regulations providing the time within which appeals must be taken and the manner of taking the appeal to the commission.

3. A copy of the certificate by the division of water resources required by subsection 1 must be furnished to the subdivider who in turn shall provide a copy of [such] *the* certificate to each purchaser of land before the time the sale is completed. Any statement of approval as required in subsection 1 is not a warranty or representation in favor of any person as to the safety or quantity of such water.

Sec. 37. NRS 278.460 is hereby amended to read as follows:

278.460 1. A county recorder shall not file for record any final map unless the map:

(a) Contains *or is accompanied by the report of a title company and* all the certificates of approval, conveyance and consent required by the provisions of NRS 278.374 to 278.378, inclusive, and by the provisions of any local ordinance.

(b) Is accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that [all] *no* property taxes on the land [for the fiscal year have been paid.] *are delinquent.*

2. Nothing contained in NRS 278.010 to 278.630, inclusive, *or sections 19, 20 and 21 of this act,* prevents the recording , pursuant to the provisions of NRS 278.010 to 278.630, inclusive, *sections 19, 20 and 21 of this act* and any applicable local ordinances , of a map of any land which is not a subdivision, nor do NRS 278.010 to 278.630, inclusive, *or sections 19, 20 or 21 of this act,* prohibit the filing of a map in accordance with the provisions of any statute requiring the filing of professional land surveyor's records of surveys.

3. A county recorder shall accept or refuse a final map for recordation within 10 days after its delivery to him.

Sec. 38. NRS 278.461 is hereby amended to read as follows:

278.461 1. [A] *Except as otherwise provided in this section, a* person who proposes to divide any land for transfer or development into four [or fewer lots shall file a parcel map in the office of the county recorder, unless this requirement is] *lots or less shall:*

(a) Prepare a parcel map and file the number of copies, as required by local ordinance, of the parcel map with the planning commission or its designated representative or, if there is no planning commission, with the clerk of the governing body; and

(b) Pay a filing fee in an amount determined by the governing body,

unless these requirements are waived or the provisions of NRS 278.471 to 278.4725, inclusive, apply. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that [all] *no* property taxes on the land [for the fiscal year have been paid.] *are delinquent.*

2. *If the parcel map is submitted to the clerk of the governing body, he shall submit the parcel map to the governing body at its next regular meeting.*

3. A common-interest community consisting of four units or less shall be deemed to be a division of land within the meaning of this section, but need only comply with this section and NRS 278.371, 278.373 to 278.378, inclusive, 278.462, 278.464 and 278.466.

[3.] *4.* A parcel map is not required when the division is for the express purpose of:

(a) The creation or realignment of a public right of way by a public agency.

(b) The creation or realignment of an easement.

(c) An adjustment of the boundary line between two abutting parcels or the transfer of land between two owners of abutting parcels , which does not result in the creation of any additional parcels [.] , *if such an adjustment is approved pursuant to NRS 278.5692 and is made in compliance with the provisions of NRS 278.5693.*

(d) The purchase, transfer or development of space within an apartment building or an industrial or commercial building.

(e) Carrying out an order of any court or dividing land as a result of an operation of law.

[4.] *5.* A parcel map is not required for any of the following transactions involving land:

(a) The creation of a lien, mortgage, deed of trust or any other security instrument.

(b) The creation of a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity.

(c) Conveying an interest in oil, gas, minerals or building materials, which [are] *is* severed from the surface ownership of real property.

(d) Conveying an interest in land acquired by the department of transportation pursuant to chapter 408 of NRS.

(e) Filing a certificate of amendment pursuant to NRS 278.473.

[5.] *6.* When two or more separate lots, parcels, sites, units or plots of land are purchased, they remain separate for the purposes of this section and NRS 278.468, 278.590 and 278.630. When the lots, parcels, sites, units or

plots are resold or conveyed they are exempt from the provisions of NRS 278.010 to 278.630, inclusive, *and sections 19, 20 and 21 of this act,* until further divided.

[6.] *7.* Unless a method of dividing land is adopted for the purpose or would have the effect of evading this chapter, the provisions for the division of land by a parcel map do not apply to a transaction exempted by paragraph (c) of subsection 1 of NRS 278.320.

Sec. 39. NRS 278.462 is hereby amended to read as follows:

278.462 The governing body [may require:

1. Street] *or, if authorized by the governing body, the planning commission or other authorized person:*

1. May require street grading, drainage provisions and lot designs as are reasonably necessary . [and, if the governing body]

2. *If it* anticipates that the parcels will be used for residential , *commercial or industrial* purposes, [provisions for the supply and quality of water and sewage as are reasonably necessary.

2. Offsite] *may require offsite* access, street alignment, surfacing and width, water quality, water supply and sewerage provisions as are reasonably necessary and consistent with the existing use of any land zoned for similar use which is within 660 feet of the proposed parcel. If the proposed parcels are less than 1 acre, the governing body *or, if authorized by the governing body, the planning commission or other authorized person* may require additional improvements which are reasonably necessary and consistent with the use of the land if it is developed as proposed.

3. For a second or subsequent parcel map with respect to [a] *:*

(a) A single parcel *;* or

(b) A contiguous tract of land under the same ownership ,

any reasonable improvement, but not more than would be required if the parcel were a subdivision.

Sec. 40. NRS 278.463 is hereby amended to read as follows:

278.463 [A] *Except as otherwise provided in this section, a* parcel map [shall] *must* be based on a survey made for that purpose . [, unless this requirement is waived by the same authority by which the requirement of filing a parcel map may be waived.] The *county surveyor, city surveyor or professional land surveyor appointed by the governing body, may pursuant to NRS 278.464 waive the* requirement of a survey [may be waived if, in the judgment of the waiving authority,] *if, in his judgment,* a survey is not required to accomplish the purposes of NRS 278.010 to 278.630, inclusive.

Sec. 41. NRS 278.464 is hereby amended to read as follows:

278.464 1. [The] *Except as otherwise provided in subsection 2, if there is a planning commission it shall, within 45 days after receiving a parcel map, recommend approval, conditional approval or disapproval of the map in a written report. The planning commission shall submit the parcel map and the written report to the governing body.*

2. If the governing body has authorized the planning commission to act finally on a parcel map, the planning commission shall, within 45 days after receiving the parcel map, approve, conditionally approve or disapprove the

map. It shall file its written decision with the governing body. Unless the time is extended by mutual agreement, if the planning commission is authorized to act finally and it fails to take action within the 45 days after receiving the parcel map, the parcel map shall be deemed approved.

3. If there is no planning commission or if the governing body has not authorized the planning commission to act finally, the governing body or, by authorization of the governing body, the director of planning or other authorized person or agency shall *, within 45 days after the parcel map is submitted to the governing body pursuant to subsection 1 or pursuant to subsection 2 of NRS 278.461,* review and approve, conditionally approve or disapprove [a] *the* parcel map . [and] *Unless the time is extended by mutual agreement, if the governing body, the director of planning or other authorized person or agency fails to take action within the 45 days after the parcel map is submitted to the governing body, the parcel map shall be deemed approved.*

4. Except as otherwise provided in NRS 278.463, if unusual circumstances exist *, a governing body or, if authorized by the governing body, the planning commission* may waive the requirement for a parcel map . [or survey.

2.] Before waiving *the requirement for* a parcel map , [or survey,] a determination must be made by the county surveyor [or another] *, city surveyor or* professional land surveyor *appointed by the governing body* that a survey is not required.

[3.] Unless the time is extended by mutual agreement , a request for *a* waiver [or the submission of a parcel map] must be acted upon within [30] *45* days or in the absence of action *the waiver* shall be deemed approved.

[4.] *5.* An applicant aggrieved by a decision of the governing body's authorized representative *or by a final act of the planning commission* may appeal to the [planning commission within 30 days and the commission shall render its decision within 45 days after filing of the appeal.

5. If the planning commission denies the appeal, the applicant may appeal to the] governing body within 30 days . [and the] *The* governing body shall render its decision within 45 days after [filing of the appeal.

6. The approval of] *the date the appeal is filed.*

6. If a parcel map and the associated [land] division *of land are approved or deemed approved pursuant to this section, the approval* must be noted on the map in the form of a certificate attached thereto and executed by the clerk of the governing body, the governing body's designated representative or the chairman of the planning commission.

Sec. 42. NRS 278.466 is hereby amended to read as follows:

278.466 1. The parcel map must be legibly drawn in *permanent* black [waterproof india] ink on tracing cloth or produced by the use of other materials of a permanent nature generally used for that purpose in the engineering profession. *Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with permanent black ink.* The size of each sheet must be 24 by 32 inches. A marginal line must be drawn

completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

2. A parcel map must indicate the owner of any adjoining land, or any right of way if owned by the person dividing the land.

3. A parcel map must show [the] :

(a) The area of each parcel or lot and the total area of the land to be divided in the following manner:

[(a)] *(1)* In acres, calculated to the nearest one-hundredth of an acre, if the area is 2 acres or more; or

[(b)] *(2)* In square feet if the area is less than 2 acres.

[4. If a survey is required, the parcel map must show:

(a)] *(b)* All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto.

[(b)] *(c)* Bearing or witness monuments, the basis of bearings, bearing and length of lines and the scale of the map.

[(c)] *(d)* The name and legal designation of the tract or grant in which the survey is located and any ties to adjoining tracts.

[(d) A memorandum of oaths.

(e) The signature of the surveyor.

(f) The date of the survey.

(g) The signature of the owner or owners of the land to be divided.

(h)] *(e)* Any easements granted or dedications made.

[(i)] *(f)* Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and area shown.

[5. If a survey is not required, the parcel map must show:

(a) By appropriate reference to the existing information on which it is based, the tract to be divided and the resulting lots;

(b) The means of access to the several lots;

(c) The signature of the owner or owners of the land to be divided;

(d) Any easements granted or dedications made; and

(e) Any other data necessary for an intelligent interpretation of the division and the access.

6. If a survey is not required for the preparation of a parcel map, the map must be prepared by a professional land surveyor, but his certificate upon the map may include substantially the following:

> This map was prepared from existing information (identifying it and stating where filed or recorded), and the undersigned assumes no responsibility for the existence of monuments or correctness of other information shown on or copied from any such prior document.

7.] *4. A parcel map must include:*

(a) The memorandum of oaths described in NRS 625.320.

(b) The certificate of the surveyor required pursuant to NRS 278.375.

5. A governing body may by local ordinance require a parcel map to include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

(b) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a) to the preparation and recordation of the parcel map. A holder of record of a security interest may consent by signing:

(1) The parcel map; or

(2) A separate document that is recorded with the parcel map and declares his consent to the division of land, if the map contains a notation that a separate document has been recorded to this effect.

6. If the requirement for a parcel map is waived, the governing body may specify by local ordinance the type and extent of information or mapping necessary for the *division of* land . [division.

8.] *7.* Reference to the parcel number and recording data of a recorded parcel map is a complete legal description of the land contained in the parcel.

Sec. 43. NRS 278.467 is hereby amended to read as follows:

278.467 1. If the *requirement for a* parcel map is waived , the authority which granted the waiver may require the preparation and [recording] *recordation* of a document which contains:

(a) A legal description of all parts based on a system of rectangular surveys;

(b) A provision for the dedication or reservation of any road right of way or easement; and

(c) The approval of the authority which granted the waiver.

2. If a description by metes and bounds is necessary in describing the parcel division, it must be prepared by a professional land surveyor and bear his signature and stamp.

3. The person preparing the document may include the following statement:

> This document was prepared from existing information (identifying it and stating where filed and recorded) and the undersigned assumes no responsibility for the existence of monuments or correctness of other information shown on or copied from any such prior documents.

4. A document recorded pursuant to this section must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that [all] *no* property taxes on the land [for the fiscal year have been paid.] *are delinquent.*

Sec. 44. NRS 278.468 is hereby amended to read as follows:

278.468 1. [The parcel map filed with] *If a parcel map is approved pursuant to NRS 278.464, the preparer of the map shall:*

(a) Record the approved map in the office of the county recorder within 1 year after the date the map met all conditions required for approval. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that no property taxes on the land are delinquent.

(b) Pay a $10 fee to the county recorder for filing and indexing.

2. *Upon receipt of a parcel map,* the county recorder [of any county must be filed] *shall file the map* in a suitable place. He shall keep proper indexes of parcel maps by the name of grant, tract, subdivision or United States subdivision.

[2. The charge for filing and indexing any parcel map is $10.]

Sec. 45. NRS 278.4713 is hereby amended to read as follows:

278.4713 1. Unless the filing of a tentative map is waived, any person who proposes to make a division of land [must] *shall* first file a tentative map with the planning commission for the area in which the land is located, or with the clerk of the governing body if there is no planning commission, and a filing fee of no more than $250 set by the governing body.

2. This map must be:

(a) Entitled "Tentative Map of Division into Large Parcels"; and

(b) Prepared and certified by a professional land surveyor.

3. This map must show:

(a) The approximate, calculated or actual acreage of each lot and the total acreage of the land to be divided.

(b) [All] *Any* roads or easements of access which exist, are proposed in the applicable master plan or are proposed by the person who intends to divide the land.

(c) Any easements for public utilities which exist or which are proposed.

(d) Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses.

(e) An indication of any existing road or easement which the owner does not intend to dedicate.

(f) The name and address of the owner of the land.

[4. Each lot must be accessible by road or easement traversable by vehicles suited to the area, unless this requirement is waived by the governing body.]

Sec. 46. NRS 278.472 is hereby amended to read as follows:

278.472 1. After the planning commission or governing body has approved the tentative map or waived the requirement of its filing, or 60 days after the date of its filing, whichever is earlier, the person who proposes to divide the land may file a final map of the division with the governing body or, if authorized by *local* ordinance, with the planning commission. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that [all] *no* property taxes on the land [for the fiscal year have been paid.] *are delinquent.*

2. This map must be:

(a) Entitled "Map of Division into Large Parcels."

(b) Filed with the governing body or planning commission not later than 1 year after the date that the tentative map was first filed with the planning commission or governing body or that the requirement of its filing was waived.

(c) Prepared by a professional land surveyor.

(d) Based upon an actual survey by the preparer and show the date of the survey [or based upon the most recent government survey and show the date of approval of the government survey] and contain [a certificate by the preparer that the parcels contain the number of acres shown for each parcel.] *the certificate of the surveyor required pursuant to NRS 278.375.*

(e) Clearly and legibly drawn in *permanent* black [waterproof india] ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for this purpose in the engineering profession . [, but affidavits,] *Affidavits,* certificates and acknowledgments must be legibly stamped or printed upon the map with [opaque] *permanent black* ink.

(f) Twenty-four by 32 inches in size with a marginal line drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom, and right edges, and of 2 inches at the left edge along the 24-inch dimension.

(g) Of scale large enough to show clearly all details.

3. The particular number of the sheet and the total number of sheets comprising the map must be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown.

4. This map must show and define:

(a) All subdivision lots by the number and actual acreage of each lot.

(b) [All] *Any* roads or easements of access which exist and which the owner intends to offer for dedication, [all] *any* roads or easements of access which are shown on the applicable master plan and [all] *any* roads or easements of access which are specially required by the planning commission or governing body.

(c) Any easements for public utilities which exist or are proposed.

(d) Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses.

Sec. 47. NRS 278.4725 is hereby amended to read as follows:

278.4725 1. [The] *Except as otherwise provided in this section, the* governing body or planning commission [must] *shall* approve, conditionally approve or disapprove the final map basing its action upon the requirements of NRS 278.472, within 45 days after its filing. A decision made by the planning commission may be appealed to the governing body by any aggrieved person within 45 days after the action of the planning commission. If the map is disapproved, the governing body or planning commission shall return the map to the person who proposes to divide the land, with the reason for its action and a statement of what changes would be necessary to render the map acceptable. [If] *Except as otherwise provided in subsection 2, if* the governing body or planning commission neither approves nor disapproves the map within 45 days, the map shall be deemed approved unconditionally.

2. *If the final map divides the land into 16 lots or more, the governing body or planning commission shall not approve a map, and a map shall not be deemed approved, unless:*

(a) Each lot contains an access road that is suitable for use by emergency vehicles; and

(b) The corners of each lot are set by a professional land surveyor.

3. If the final map divides the land into 15 lots or less, the governing body may, if reasonably necessary, require the map to comply with the provisions of subsection 2.

4. Upon approval, the map must be filed with the county recorder. Filing with the county recorder operates as a continuing:

(a) Offer to dedicate for public roads the areas shown as proposed roads or easements of access, which the governing body may accept in whole or in part at any time or from time to time.

(b) Offer to grant the easements shown for public utilities, which any public utility may similarly accept without excluding any other public utility whose presence is physically compatible.

[3.] *5.* The map filed with the county recorder must include:

(a) A certificate signed and acknowledged by the owner of land consenting to the dedication of the roads and granting of the easements.

(b) A certificate signed by the clerk of the governing body or the secretary to the planning commission that the map was approved, or the affidavit of the person presenting the map for filing that the time limited by subsection 1 for action by the governing body or the planning commission has expired [.] *and that the requirements of subsection 2 have been met.*

(c) A written statement signed by the treasurer of the county in which the land to be divided is located indicating that [all] *no* property taxes on the land [for the fiscal year have been paid.

4.] *are delinquent.*

6. A governing body may by local ordinance require a final map to include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

(b) The signature of each owner of record of the land to be divided.

(c) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:

(1) The final map; or

(2) A separate document that is filed with the final map and declares his consent to the division of land.

7. After a map has been filed with the county recorder, any lot shown thereon may be conveyed by reference to the map, without further description.

[5.] *8.* The county recorder shall charge and collect for recording the map a fee of no more than $25 per page set by the board of county commissioners.

Sec. 48. NRS 278.473 is hereby amended to read as follows:

278.473 1. [If] *To correct* an error or omission [is found in any] *in, or to amend any recorded* subdivision plat, record of survey, parcel map, map of division into large parcels, or reversionary map [and] , *if* the correction *or*

amendment does not change or purport to change the physical location of any survey monument, property line or boundary line, [the county surveyor, the governing body or, if authorized by ordinance, the planning commission, may cause a certificate of amendment to be filed and recorded. The] *a certificate of amendment must be requested and recorded pursuant to this section.*

2. A certificate of amendment may be requested by:

(a) The county surveyor to make a correction or amendment which affects land located within the boundaries of an unincorporated area or Carson City;

(b) The city surveyor or a professional land surveyor appointed by the governing body of the city to make a correction or amendment which affects land located within an incorporated city; or

(c) The planning commission if authorized by local ordinance.

3. If a certificate of amendment is requested to correct or amend a record of survey, the surveyor who [made] *:*

(a) Made the survey *which is to be amended; or*

(b) Is responsible for the error or omission which is to be corrected, shall prepare and record the certificate *of amendment* within 90 days after *he receives* notification [by the county surveyor, the governing body or the planning commission.] *of the request made pursuant to subsection 2.* If the surveyor is no longer professionally active , [in the county,] the county surveyor , *city surveyor* or a professional land surveyor appointed by the [board of county commissioners or, if authorized by ordinance, the planning commission,] *governing body* shall prepare *and file* the certificate.

[2.] *4.* The certificate of amendment must:

(a) Be in the form of a letter addressed to the county surveyor, *the city surveyor, a professional land surveyor appointed by* the governing body *of the city* or, if authorized by *local* ordinance, the planning commission;

(b) Specify the title , *legal description* and recording date of the document being *corrected or* amended;

(c) Concisely state the data being [amended] *changed* and the correction or [omission;] *amendment;*

(d) Be dated, signed and sealed by the surveyor preparing the certificate; and

(e) Contain the following statement, dated and signed by the county surveyor , *city surveyor* or a professional land surveyor appointed by the [county] governing body or *:* [, if authorized by ordinance, the planning commission:]

> I hereby certify that I have examined the certificate of amendment and that the changes to the original document specified therein are provided for in applicable sections of NRS 278.010 to 278.630, inclusive, 625.340 to 625.380, inclusive, and local ordinances adopted pursuant thereto, and I am satisfied that this certificate of amendment so amends *or corrects* the document as to make it technically correct.

[3. If land affected by the certificate of amendment is located within the boundaries of an incorporated city, a copy of the certificate of amendment must be delivered to the city surveyor.

4.] *5.* Upon the recording of a certificate of amendment, the county recorder shall cause a proper notation to be entered upon all recorded sheets of the original document being amended, if the county recorder does not maintain a cumulative index for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

Sec. 49. NRS 278.475 is hereby amended to read as follows:

278.475 [If]

1. To correct an error or omission [is found] in any recorded subdivision plat, record of survey, parcel map, map of division into large parcels, or reversionary map, [and] *if* the correction changes or purports to change the physical location of any survey monument, property line or boundary line, [the county surveyor, the governing body or, if authorized by ordinance, the planning commission, may cause an amended plat, survey or map to be filed and recorded.] *an amended plat, survey or map must be requested and recorded pursuant to this section.*

2. An amended plat, survey or map, which corrects an error or omission, may be requested by:

(a) The county surveyor to make a correction which affects land located within the boundaries of an unincorporated area or Carson City;

(b) The city surveyor or a professional land surveyor appointed by the governing body of the city to make a correction which affects land located within an incorporated city; or

(c) The planning commission if authorized by local ordinance.

3. Except as otherwise provided in this subsection, a surveyor who performed the survey is responsible for the error or omission which is to be corrected and shall prepare and record the amended plat, survey or map within 90 days after he receives notification of the request made pursuant to subsection 2. The time within which the surveyor must prepare and record the amended plat, survey or map may be extended by the county surveyor, the governing body of the city or the planning commission. If the surveyor is no longer professionally active, the county surveyor, city surveyor or a professional land surveyor appointed by the governing body shall prepare and file the amended plat, survey or map.

Sec. 50. NRS 278.477 is hereby amended to read as follows:

278.477 1. [Any] *In addition to the requirements of subsection 2, an* amendment of a recorded subdivision plat, parcel map, map of division into large parcels, or record of survey which changes or purports to change the physical location of any survey monument, property line or boundary line is subject to the following requirements:

(a) If the proposed amendment is to a parcel map, map of division into large parcels, or record of survey, the same procedures and requirements apply as in the original filing.

(b) If the proposed amendment is to a subdivision plat, only those procedures for the approval and filing of a final map . [and the requirements of subsection 2 apply.]

2. Any amended plat, map or survey *required pursuant to subsection 1* must:

(a) Be identical in size and scale to the document being amended, drawn in the manner and on the material provided by law;

(b) Have the words "Amended Plat of" prominently displayed on each sheet above the title of the document amended;

(c) Have a blank margin for the county recorder's index information;

(d) Have a 3-inch square adjacent to and on the left side of the existing square for the county recorder's information and stamp;

(e) Contain *or be accompanied by the report of a title company and* the certificate required by NRS 278.374 or an order of the district court of the county in which the land is located that the amendment may be approved without all the necessary signatures if the order is based upon a finding that a bona fide effort was made to communicate with the necessary persons, that all persons who responded have consented thereto and that the amendment does not adversely affect the persons who did not respond;

(f) Contain a certificate of the professional land surveyor registered pursuant to chapter 625 of NRS who prepared the amendment stating that it complies with all pertinent sections of NRS 278.010 to 278.630, inclusive, and 625.340 to 625.380, inclusive, and with any applicable local ordinance; and

(g) [Contain] *For a survey recorded in support of an adjusted boundary, contain* a certificate executed by the appropriate county surveyor, county engineer, city surveyor or city engineer, if he is registered as a professional land surveyor or civil engineer pursuant to chapter 625 of NRS stating that he has examined the document and that it is technically correct.

3. Upon recording the amended document, the county recorder shall cause a proper notation to be entered upon all recorded sheets of the document being amended, if the county recorder does not maintain a cumulative index for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

Sec. 51. NRS 278.480 is hereby amended to read as follows:

278.480 1. [Any] *Except as otherwise provided in subsection 10, any* abutting owner or local government desiring the vacation or abandonment of any street or easement *owned by a city or a county,* or *any* portion thereof [must] , *shall* file a petition in writing with the planning commission or, if there is no planning commission, with the governing body having jurisdiction.

2. If there is a planning commission, it shall report on the petition to the governing body as set forth in NRS 278.240.

3. Whenever any street or easement *owned by a city or a county* is proposed to be vacated, the governing body shall notify by certified mail each owner of property abutting the proposed abandonment and cause a

notice to be published at least once in a newspaper of general circulation in the city or county, setting forth the extent of the proposed abandonment and setting a date for public hearing, which must be not less than 10 days and not more than 40 days after the date the notice is first published.

4. Except as provided in subsection 5, if, upon public hearing, the governing body is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed.

5. If a utility has an easement over the property, the governing body shall provide in its order for the continuation of that easement.

6. The order must be recorded in the office of the county recorder, if all the conditions of the order have been fulfilled, and upon the recordation title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, the governing body may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the city. If the governing body sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his property, but no action may be taken by the governing body to force the owner to purchase that portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.

7. If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the governing body may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the governing body determines to be reasonable. If the governing body determines that the vacation has a public benefit, it may apply the benefit as an offset against any determination of reasonable consideration which did not take into account the public benefit.

8. [Any] *If an* easement for light and air *owned by a city or a county is* adjacent to [any vacated] *a* street *vacated under the provisions of this section, the easement* is vacated upon the vacation of the street.

9. In any vacation or abandonment of any street *owned by a city or a county,* or *any* portion [of it,] *thereof,* the governing body may reserve and except therefrom any easements, rights or interests therein which the governing body deems desirable for the use of the city or of any public utility.

10. The governing body may establish by local ordinance a simplified procedure for the vacation or abandonment of an easement for a public utility owned or controlled by the governing body.

Sec. 52. NRS 278.490 is hereby amended to read as follows:

278.490 1. Any owner or governing body desiring to revert [or abandon] any recorded subdivision map, parcel map, map of division into large parcels, or part thereof to acreage or to [abandon] *revert* the map or portion thereof shall submit a written application accompanied by a map of the proposed [abandonment or] reversion which contains the same survey dimensions as the recorded map to the governing body or, if authorized by *local* ordinance, to the planning commission [, for approval.] *or other authorized person.* The application must describe the requested changes.

2. [The map must contain the appropriate certificates required by NRS 278.374 and 278.376 to 278.4725, inclusive, for the original division of the land, and must be presented to the governing body or, if authorized by ordinance, to the planning commission, for approval. If the map includes the abandonment of any public street or easement, the provisions of NRS 278.480 must be followed before the approval of the map.

3. The final map must be:

(a) Prepared by a professional land surveyor registered pursuant to chapter 625 of NRS. The professional land surveyor shall state in his certificate that the map has been prepared from information on a recorded map that is being abandoned or reverted. The professional land surveyor may state in his certificate that he assumes no responsibility for the existence of the monuments or for correctness of other information shown on or copied from the document. The professional land surveyor shall include in his certificate, recording information which is sufficient to identify clearly the recorded map being reverted or abandoned.

(b) Clearly and legibly drawn in black waterproof india ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such a purpose in the engineering profession, but affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with opaque ink.

4. The size of each sheet of the map must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

5. The scale of the map must be large enough to show all details clearly and enough sheets must be used to accomplish this end.

6. The particular number of the sheet and the total number of sheets comprising the map must be stated on each of the sheets and its relation to each adjoining sheet must be clearly shown.

7.] *At its next meeting, or within a period of not more than 15 days after the filing of the map of reversion, whichever occurs later, the governing body or, if authorized by local ordinance, the planning commission or other authorized person shall review the map and approve, conditionally approve or disapprove it.*

3. Except for the provisions of this section , *sections 19, 20 and 21 of this act* and any provision or *local* ordinance relating to the payment of fees in conjunction with filing , [or] recordation or checking of a map of the kind

offered, no other provision of NRS 278.010 to 278.630, inclusive, applies to a map made solely for the purpose of [abandonment] *reversion* of a former map or for reversion of any [land] division *of land* to acreage.

[8.] *4.* Upon approval of the map of reversion , [or abandonment,] it must be recorded [by the governing body or, if authorized by ordinance, by the planning commission,] in the office of the county recorder . [and the] *The* county recorder shall make a written notation of the fact on each sheet of the previously recorded map affected by the later recording, if the county recorder does not maintain a cumulative index for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

Sec. 53. NRS 278.5693 is hereby amended to read as follows:

278.5693 1. [If] *For* a boundary line [is] *to be* adjusted or *for* land [is] *to be* transferred pursuant to paragraph (c) of subsection [3] *4* of NRS 278.461, a professional land surveyor [shall perform] *must have performed* a field survey, set monuments and [file] *filed* a record of survey pursuant to NRS 625.340.

2. A record of survey filed pursuant to subsection 1 must contain:

(a) A certificate by the professional land surveyor who prepared the map stating that:

(1) He has performed a field survey of the boundaries of the affected parcels;

(2) [That all] *All* corners and angle points of the adjusted boundary line have been set; and

(3) The map is not in conflict with the provisions of NRS 278.010 to 278.630, inclusive [.] , *or sections 19, 20 or 21 of this act.*

(b) A certificate that is executed and acknowledged by each affected owner of the abutting parcels which states that:

(1) He has examined the plat and approves and authorizes the recordation thereof;

(2) He agrees to execute the required documents creating any easement which is shown;

(3) He agrees to execute the required documents abandoning any existing easement pursuant to the provisions of NRS 278.010 to 278.630, inclusive [;

(4) All] , *and sections 19, 20 and 21 of this act;*

(4) No property taxes on the land [for the fiscal year have been paid;] *are delinquent;* and

(5) [That any] *Any* lender with an impound account for the payment of taxes has been notified of the adjustment of the boundary line or the transfer of the land.

(c) A certificate by the governing body or its designated representative approving the adjustment of the boundary line.

Sec. 54. NRS 278.580 is hereby amended to read as follows:

278.580 1. [The] *Subject to the limitation set forth in NRS 244.368, the* governing body of any city or county may adopt a building code, specifying the design, soundness and materials of structures , and *may adopt* rules, ordinances and regulations for the enforcement of the building code.

2. The governing body may also fix a reasonable schedule of fees for the issuance of building permits. [Schedules] *A schedule* of fees so fixed [shall] *does* not apply to the State of Nevada and its political subdivisions.

3. [A city building code which has rules, regulations and specifications more stringent than the building code of the county within which such city is located shall supersede, with respect to the area within a 3-mile limit of the boundaries of such city, any provisions of such building code not consistent therewith.

4. None of the provisions of subsection 3 shall be applicable to farm or ranch buildings in existence on March 30, 1959.

5.] Notwithstanding any other provision of law, the state and its political subdivisions [must] *shall* comply with all zoning regulations adopted pursuant to this chapter, except for the expansion of any activity existing on April 23, 1971.

Sec. 55. NRS 278.590 is hereby amended to read as follows:

278.590 1. It is unlawful for any person to contract to sell, to sell or to transfer any subdivision or any part thereof, or land divided pursuant to a parcel map or map of division into large parcels, until the required map thereof, in full compliance with the appropriate provisions of NRS 278.010 to 278.630, inclusive, *sections 19, 20 and 21 of this act* and any local ordinance, has been recorded in the office of the recorder of the county in which any portion of the subdivision or land divided is located.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor and is liable for a civil penalty of not more than $300 for each lot or parcel sold or transferred.

3. This section does not bar any legal, equitable or summary remedy to which any aggrieved municipality or other political subdivision, or any person, may otherwise be entitled, and any such municipality or other political subdivision or person may file suit in the district court of the county in which any property attempted to be divided or sold in violation *of any provision* of NRS 278.010 to 278.630, inclusive, *or sections 19, 20 or 21 of this act,* is located to restrain or enjoin any attempted or proposed division or transfer in violation of those sections.

Sec. 56. NRS 278.600 is hereby amended to read as follows:

278.600 Any county recorder who records a map contrary to the provisions of NRS 278.010 to 278.630, inclusive, *of sections 19, 20 or 21 of this act* or of any local ordinance adopted pursuant thereto [shall be deemed] *is* guilty of a misdemeanor.

Sec. 57. NRS 278.630 is hereby amended to read as follows:

278.630 1. When there is no final map, parcel map or map of division into large parcels as required by the provisions of NRS 278.010 to 278.630, inclusive, *and sections 19, 20 and 21 of this act,* then the county assessor shall determine, as lands are placed upon the tax roll and maps of the county

assessor's office, any apparent discrepancies with respect to the provisions of NRS 278.010 to 278.630, inclusive, *or sections 19, 20 or 21 of this act,* and shall report his findings in writing to the governing body of the county or city in which such apparent violation occurs.

2. Upon receipt of the report the governing body shall cause an investigation to be made by the district attorney's office [,] when such lands are within an unincorporated area, or by the city attorney when *such lands are* within a city, the county recorder and any planning commission having jurisdiction over the lands in question.

3. If the report shows evidence of violation of the provisions of NRS 278.010 to 278.630, inclusive, *or sections 19, 20 or 21 of this act,* with respect to the division of lands or upon the filing of a verified complaint by any municipality or other political subdivision or person, firm or corporation with respect to violation of the provisions of those sections, the district attorney of each county in this state shall prosecute all such violations in respective counties in which the violations occur.

Sec. 58. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations contained in NRS *244.368,* 278.580, 278.582 and 444.340 to 444.430, inclusive, the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. These fees do not apply to the State of Nevada and its political subdivisions.

Sec. 59. NRS 244.368 is hereby amended to read as follows:

244.368 1. A [city] *city's* building code which has rules, regulations and specifications more stringent than the building code of the county within which [such] *the* city is located [shall supersede,] *supersedes,* with respect to the area *within the city and* within a [3-mile] *1-mile* limit *outside* of the boundaries of [such] *the* city, any provisions of [such county] *the county's* building code not consistent therewith.

2. [None of the] *The* provisions of this section [shall be applicable] *do not apply* to farm or ranch buildings in existence on March 30, 1959.

Sec. 60. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS *244.368,* 278.580, 278.582 and 444.340 to 444.430, inclusive, the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. These fees do not apply to the State of Nevada and its political subdivisions.

Sec. 61. NRS 361.310 is hereby amended to read as follows:

361.310 1. On or before January 1 of each year, the county assessor of each of the several counties shall complete his assessment roll, and shall take and subscribe to an affidavit written therein to the effect that he has made diligent inquiry and examination to ascertain all the property within the county subject to taxation, and required to be assessed by him, and that he has assessed the property on the assessment roll equally and uniformly, according to the best of his judgment, information and belief, at the rate provided by law. A copy of the affidavit must be filed immediately by the assessor with the department. The failure to take or subscribe to the affidavit does not in any manner affect the validity of any assessment contained in the assessment roll.

2. The county assessor shall close his roll as to all changes on the day he delivers it for publication. The roll may be reopened beginning the next day for changes that occur before July 1 in:

(a) Ownership;

(b) Improvements as a result of new construction, destruction or removal;

(c) Land parceling;

(d) Site improvements;

(e) Zoning or other legal or physical restrictions on use;

(f) Actual use, including changes in agricultural or open space use;

(g) Exemptions; or

(h) Items of personal property on the secured roll,

or to correct overassessments because of a factual error in existence, size, quantity or age.

3. *Upon the filing of a final map by the county recorder pursuant to NRS 278.460, the county assessor shall reopen his roll. Not later than 6 months after the filing of the final map, the county assessor shall:*

(a) Identify each parcel within that subdivision with a parcel number;

(b) Reassess each such parcel for the fiscal year in which the map is filed; and

(c) Notify the ex officio tax receiver of each such reassessment.

4. Any changes made after the roll is reopened pursuant to subsection 2 *or 3* may be appealed to the county board of equalization in the current year or the next succeeding year.

[4.] *5.* Each county assessor shall keep a log of all changes in value made to the secured roll after it has been reopened. On or before October 31 of each year, the county assessor shall transmit a copy of the log to the board of county commissioners and the Nevada tax commission.

Sec. 62. NRS 361.480 is hereby amended to read as follows:

361.480 1. Upon receiving the assessment roll from the county auditor, the ex officio tax receiver shall proceed to receive taxes.

2. He shall give notice forthwith by publication in some newspaper published in his county, and if none is so published then by posting notices in three public and conspicuous places in the county, specifying:

(a) The dates when taxes are due; and

(b) The penalties for delinquency.

3. He shall mail to each property owner, or to the holder of the mortgage on that property, an individual tax bill which includes all of the information supplied to him by the county auditor. If the holder of a mortgage receives such a bill on behalf of a property owner, he shall forward the bill or a copy thereof to the owner in the next notice of billing sent to the owner for the mortgage. Failure to receive an individual tax bill does not excuse the taxpayer from the timely payment of his taxes.

4. Upon receiving a notice of reassessment from the county assessor pursuant to subsection 3 of NRS 361.310, the ex officio tax receiver, not later than 30 days after receipt of the notice, shall, if additional taxes are due as a result of the reassessment, mail to each property owner or holder of the mortgage on that property a supplemental bill for the amount of taxes due.

Sec. 63. NRS 361A.031 is hereby amended to read as follows:

361A.031 *1.* "Converted to a higher use" means:

[1.] *(a)* A physical alteration of the surface of the property enabling it to be used for a higher use;

[2.] *(b)* The recording of a final map or parcel map [, as those terms are defined in NRS 278.010,] which creates one or more parcels not intended for agricultural use;

[3.] *(c)* The existence of a final map or parcel map [, as those terms are defined in NRS 278.010,] which creates one or more parcels not intended for agricultural use; or

[4.] *(d)* A change in zoning to a higher use made at the request of the owner.

2. As used in this section:

(a) "Final map" has the meaning ascribed to it in section 8 of this act.

(b) "Parcel map" has the meaning ascribed to it in section 13 of this act.

Sec. 64. NRS 540.081 is hereby amended to read as follows:

540.081 NRS 540.061 to 540.091, inclusive, do not apply to:

1. A publicly owned project;

2. A subdivision as defined in NRS 278.320;

3. A parcel map [filed pursuant to] *subject to the provisions of* NRS 278.461 [;] *to 278.469, inclusive;*

4. A division of land pursuant to NRS 278.471 to 278.4725, inclusive; or

5. A planned unit development pursuant to chapter 278A of NRS.

Sec. 65. NRS 278.620 is hereby repealed.

Sec. 66. Section 34 of this act becomes effective at 12:01 a.m. on October 1, 1993.

TEXT OF REPEALED SECTION

278.620 Contract of sale contrary to provisions of chapter voidable by certain persons. Any sale or contract to sell made contrary to the provisions of NRS 278.010 to 278.630, inclusive, is voidable at the sole option of the buyer or person contracting to purchase, his heirs, personal representative, or trustee in insolvency or bankruptcy within 1 year after the date of execution of the sale or contract to sell, but the sale or contract to sell is

binding upon any assignee or transferee of the buyer or person contracting to purchase, other than those above enumerated, and upon the vendor, or person contracting to sell, or his assignee, heir or devisee.".

Amend the title of the bill to read as follows:

"An Act relating to the division of land; making various changes to the statutory requirements for the division of land; revising certain provisions governing the division of land into four lots or less; revising certain provisions governing the division of land into large parcels; revising various provisions relating to tentative and final maps of subdivisions of land; revising the provisions governing when the building code of a city supersedes the building code of a county; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman McGaughey moved the adoption of the amendment.

Remarks by Assemblyman McGaughey.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 262.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 540.

Amend sec. 10, page 5, by deleting line 14 and inserting: "*pharmacist, or by a person in a pharmacy under the direction of a pharmacist,* on the prescrip-".

Amend the bill as a whole by renumbering sections 12 through 14 as sections 13 through 15 and adding a new section designated sec. 12, following sec. 11, to read as follows:

"Sec. 12. NRS 454.510 is hereby amended to read as follows:

454.510 It is unlawful for any person to have in his possession or under his control [, or to vend, sell, offer to sell, furnish or otherwise dispose of] any hypodermic device unless he has acquired possession of such device in accordance with the provisions of NRS [454.470] *454.480* to 454.530, inclusive.".

Amend sec. 14, page 6, line 6, by deleting "454.510,".

Amend the bill as a whole by deleting the leadline of NRS 454.510 from the leadlines of repealed sections.

Assemblyman Heller moved the adoption of the amendment.

Remarks by Assemblyman Heller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 349.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 529.

Amend sec. 2, page 3, by deleting lines 31 through 33 and inserting:

"*4. As used in this section:*

(a) "Essential employee" means a person performing the function of an investment adviser or sales representative, or a similar function, for a licensed person. The term does not include an investment adviser, sales representative or investment adviser representative who holds a license or registration issued in accordance with the provisions of this chapter.

(b) "Investment adviser representative" means a person who is employed by or under contract with an investment adviser and who:

(1) Advises another person as to the value of a security or as to the advisability of investing in, purchasing or selling a security;

(2) Manages the securities account or portfolio of a client;

(3) Issues or otherwise promulgates analyses or reports concerning securities as a part of his employment or contractual duties;

(4) Sells services relating to investment advice or solicits, offers or negotiates for the sale of such a service, unless the person is a broker-dealer or sales representative registered in accordance with this chapter; or

(5) Supervises an employee who performs any of the activities listed in subparagraphs (1) to (4), inclusive.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 360.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 686.

Amend section 1, page 2, by deleting lines 6 through 10 and inserting: "conservation camp, a restitution center or a similar facility for [not less than 1 year; and] *1 year, during which time he is not eligible for parole; and*

(b) Upon completion of the term of imprisonment, begins serving a period of probation not to exceed 10 years. *The defendant is eligible to remain on probation only if, during his period of probation, he:*

(1) Remains gainfully employed;

(2) Pays a percentage of his gross income, as determined by the court, to the victim of his crime; and

(3) Undergoes a program of treatment for alcoholism or drug abuse approved by the court, if it is determined that he is an alcoholic or abuser of drugs.".

Amend the title of the bill to read as follows:

"An Act relating to traffic laws; revising the provisions relating to the suspension of a sentence for causing death or substantial bodily harm while driving under the influence of intoxicating liquor or a controlled substance; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions relating to suspension of sentence for causing death or substantial bodily harm while driving under influence of intoxicating liquor or controlled substance. (BDR 43-915)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 406.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 780.

Amend section 1, page 1, by deleting lines 2 through 8 and inserting: "state board of examiners the sum of $1,365,637 to be allocated as follows:

1. To the emergency account created pursuant to NRS 353.263 the sum of $29,883 to restore the account's balance to approximately $400,000.

2. To the stale claims account created pursuant to NRS 353.097 the sum of $770,133 to restore the account's balance to approximately $900,000.

3. To the reserve for statutory contingency account created pursuant to NRS 353.264 the sum of $565,621 to restore the account's balance to approx-".

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend the title of the bill to read as follows:

"An Act making an appropriation to the state board of examiners to restore the balance of certain accounts; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes appropriation to state board of examiners to restore balance of certain accounts. (BDR S-1723)".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 459.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 385.

Amend section 1, page 1, by deleting lines 2 through 6 and inserting:

"629.021 "Health care records" means any [written] reports, notes, orders, photographs, X-rays or other [written record] *recorded data or information whether maintained in written, electronic or other form which is* received or produced by a provider of health care, or any person employed by him, [which] *and* contains information relating to the medical history, examination, diagnosis or treatment of the patient.".

Amend sec. 2, page 1, line 10, after "retained" by inserting: "*in written form, or*".

Amend sec. 2, page 1, by deleting lines 14 through 16 and inserting: "*records may be created, authenticated and stored in a computer system which limits access to those records.*".

Amend the title of the bill, second line, by deleting: "records produced by a computer;" and inserting: "information stored electronically;".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 463.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 432.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 453.3405 is hereby amended to read as follows:

453.3405 1. Except as *otherwise* provided in subsection 2, the adjudication of guilt and imposition of sentence of a person found guilty of trafficking in a controlled substance in violation of NRS 453.3385, 453.339 or 453.3395 must not be suspended and the person is not eligible for parole until he has actually served the mandatory minimum term of imprisonment prescribed by the section under which he was convicted.

2. The judge, upon an appropriate motion, may reduce or suspend the sentence of any person convicted of violating any of the provisions of NRS 453.3385, 453.339 or 453.3395 if he finds that the convicted person [rendered] *:*

(a) Was eligible for treatment pursuant to NRS 458.300 and successfully completed that treatment; or

(b) Rendered substantial assistance in the identification, arrest or conviction of any of his accomplices, accessories, coconspirators or principals or of any other person involved in trafficking in a controlled substance in violation of NRS 453.3385, 453.339 or 453.3395. The arresting agency must be given an opportunity to be heard before the motion is granted. Upon good cause shown, the motion may be heard in camera.".

Amend section 1, pages 1 and 2, by deleting lines 8 through 24 on page 1 and line 1 on page 2 and inserting:

"2. The crime is that of selling a controlled substance, trafficking of a controlled substance, possessing a controlled substance for the purpose of sale, or conspiracy to sell, traffic or possess for the purpose of sale a controlled substance [;] *and the quantity of controlled substance involved in the crime was 14 grams or more.*

3. The crime is that of driving under the influence of intoxicating liquor or while an habitual user or under the influence of a controlled substance or while incapable of safely driving because of the use of any chemical, poison or organic solvent as provided for in NRS 484.379, or such driving which causes the death of or substantial bodily harm to another person as provided in NRS 484.3795;

4. The alcoholic or drug addict has a record of one or more convictions of a crime described in subsection 1 or 2, a similar crime in violation of the laws of another state, or of two or more convictions of any felony;

5. Other criminal proceedings alleging commission of a felony are pending against the alcoholic or drug addict;

6. The alcoholic or drug addict is on probation or parole and the appropriate parole or probation authority does not consent to the election; or

7. The alcoholic or drug addict elected and was admitted, pursuant to".

Amend the bill as a whole by adding a new section designated sec. 3, following section 1, to read as follows:

"Sec. 3. 1. This act becomes effective on July 1, 1993.

2. The amendatory provisions of this act do not apply to criminal conduct which occurred before July 1, 1993.".

Amend the title of the bill, third line, after "sentencing;" by inserting: "expanding the authority of a judge to consider the fact that the alcoholic or drug addict completed such treatment when determining his sentence;".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 543.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 627.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 393.080 is hereby amended to read as follows:

393.080 1. The board of trustees of a school district may:

(a) Build, purchase or rent schoolhouses and other school buildings, including but not limited to teacherages, gymnasiums and stadiums, and dormitories and dining halls as provided in NRS 393.090.

(b) Change the location of schools.

(c) Close a school or change the use of the school building to a purpose other than the teaching of kindergarten through 12th grade.

(d) Supervise and inspect the work performed pursuant to a contract to which the provisions of NRS 393.110 apply.

2. Any board of trustees which proposes to change the location of a school, close a school or change the use of a school building as provided in subsection 1 shall give 30 days' written notice to the principal and teachers of the affected school and to the parents of the children attending that school. In addition the board shall publish a notice of the subject, time and place of the meeting at which the matter will be considered, in a newspaper of general circulation in the county at least 10 days before the meeting.".

Amend section 1, page 2, by deleting lines 1 through 3 and inserting:

"2. *Upon the request of a board of trustees of a school district, or its designated representative, the state public works board may waive the requirements specified in subsection 1 and delegate its powers and duties thereunder to the district.*".

Amend the title of the bill to read as follows:

"An Act relating to school property; authorizing the board of trustees of a school district to supervise and inspect certain construction work performed for the school district; allowing the state public works board to waive certain requirements concerning the construction, alteration or repair of a school building and delegate the corresponding powers and duties to the school district; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes supervision and inspection of certain construction by board of trustees of school district and allows state public works board to waive certain requirements concerning construction, alteration or repair of school building and delegate corresponding powers and duties to school district. (BDR 34-1915)".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 604.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 660.

Amend the bill as a whole by deleting sections 1 through 12 and adding new sections designated sections 1 through 5, to read as follows:

"Section 1. Chapter 125B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an installment of an obligation to pay support for a child, whether the obligation arises from the judgment of a court of this or another state or from expedited process, becomes delinquent in the amount owed for 1 month's support, a penalty must be added by operation of this section to the amount of the installment. This penalty must be included in a computation of arrearages by a court of this state and may be so included in a judicial or administrative proceeding of another state.

2. The amount of the penalty is 10 percent per annum, or portion thereof, that the installment remains unpaid. Each district attorney or other public agency in this state undertaking to enforce an obligation to pay support for a child shall enforce the provisions of this section.

3. As used in this section, "expedited process" has the meaning ascribed to it in subsection 6 of NRS 125B.140.

Sec. 2. Chapter 425 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. *1. A governmental entity which issues a license to do business in this state shall, upon request of the division, submit to the division information regarding the name and address of each natural person who holds such a license and any pertinent changes in that information.*

2. A board or commission which issues occupational or professional licenses or permits pursuant to Title 54 of NRS shall, upon request of the division, submit to the division information regarding the name and address of each person who holds such a license or permit and any pertinent changes in that information.

3. The division shall periodically provide the information obtained pursuant to this section to the district attorneys and other public agencies in this state collecting support for children.

Sec. 4. *1. Each district attorney or other public agency in this state collecting support for children shall compare the information received pursuant to section 3 of this act against its cases to identify any person who is in arrears and holds such a license or permit.*

2. The district attorney or other public agency shall notify each person so identified, by first-class mail, to give him an opportunity to satisfy the claim before notice is given to the issuer of the license or permit of the arrearage.

3. If the person does not satisfy the arrearage, the district attorney or other public agency shall report the fact of the arrearage to the issuer of the license or permit. The division shall similarly notify the issuer of the license or permit when the person thereafter pays the arrearage or otherwise satisfies the claim.

4. The issuer of the license or permit shall not consider the reported arrearage as a ground for the revocation of the license or permit.

Sec. 5. 1. This section and sections 2, 3 and 4 of this act become effective October 1, 1993.

2. Section 1 of this act becomes effective October 15, 1995.".

Amend the title of the bill to read as follows:

"An Act relating to the support of children; providing a civil penalty for late payment by a parent with an obligation of support; requiring the reporting of certain information regarding occupational licenses; making various other changes; and providing other matters properly relating thereto.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 609.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 678.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 483.347 is hereby amended to read as follows:

483.347 1. The department shall issue a driver's license which:

(a) Bears a front view colored photograph of the licensee if he is 21 years of age or older, or a profile view colored photograph if he is under 21 years of age; and

(b) May be obtained immediately by any applicant upon qualifying therefor, unless the applicant's current driving record is not immediately available at the issuing office.

2. The department shall:

(a) Establish a uniform procedure for the production of those licenses, applicable to renewal as well as to original licenses.

(b) Increase the fees provided in NRS 483.410 [and 483.820] , *483.820 and 483.910* by an amount up to $1. The increase must be deposited in the state treasury for credit to the motor vehicle fund and must be allocated to the department to defray the increased costs of license production required by this section.".

Amend section 1, page 1, line 6, by deleting "$85" and inserting "[$85] *$84*".

Amend section 1, page 1, line 8, by deleting "55" and inserting "[55] *54*".

Amend section 1, page 1, line 10, by deleting "*85*" and inserting "*84*".

Amend section 1, page 1, line 13, by deleting "*55*" and inserting "*54*".

Amend section 1, page 1, line 17, by deleting "85" and inserting "[85] *84*".

Amend section 1, page 1, line 21, by deleting "55" and inserting "[55] *54*".

Amend section 1, page 1, line 24, by deleting "85" and inserting "[85] *84*".

Amend section 1, page 1, line 27, by deleting "55" and inserting "[55] *54*".

Amend section 1, page 1, line 28, by deleting "20" and inserting "[20] *19*".

Amend section 1, page 2, line 2, by deleting "10" and inserting "[10] *9*".

Amend section 1, page 2, line 4, by deleting "15" and inserting "[15] *14*".

Amend section 1, page 2, between lines 12 and 13, by inserting:

"*5. The increase in fees authorized in NRS 483.347 must be paid in addition to the fees charged pursuant to this section.*".

Amend the title of the bill to read as follows:

"An Act relating to commercial drivers' licenses; revising the provisions governing the fees for commercial drivers' licenses to allocate properly the

money for defraying the expense of production of the licenses; establishing fees for the renewal of a commercial driver's license; and providing other matters properly relating thereto.''.

Amend the summary of the bill to read as follows:

''Summary—Makes various changes concerning fees for commercial drivers' licenses. (BDR 43-1940)''.

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:30 a.m.

ASSEMBLY IN SESSION

At 11:39 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 335, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 672, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 204, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 9, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 44.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that Senate Bill No. 335 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Price.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 646 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

Senate Concurrent Resolution No. 44.

Assemblyman Heller moved the adoption of the resolution.

Remarks by Assemblymen Heller, Evans and Freeman.

Resolution adopted.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 407, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 748—An Act making an appropriation to the public service commission of Nevada to allow it to lead participation in the pilot program for the Alliance for Uniform HazMat Transportation Procedures; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 749—An Act relating to gaming; prohibiting wagering on certain amateur sporting events; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 654.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 685.

Amend sec. 6, page 2, by deleting lines 34 through 45 and inserting: "*the district from among their members; and*

(b) Two representatives of the board of county commissioners designated by the board from among its members.".

Amend sec. 6, page 2, line 46, by deleting "*4.*" and inserting "*3.*".

Amend sec. 6, page 3, line 4, by deleting "*5.*" and inserting "*4.*".

Amend sec. 9, page 4, by deleting lines 10 and 11 and inserting:

"11. Members of the police department of the University and Community College System of Nevada;".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 715.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 720.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 722.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 35.

Resolution read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 36.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 222.

Bill read second time and ordered to third reading.

Senate Bill No. 351.

Bill read second time and ordered to third reading.

Senate Bill No. 382.

Bill read second time and ordered to third reading.

Senate Bill No. 388.

Bill read second time and ordered to third reading.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:54 a.m.

ASSEMBLY IN SESSION

At 12:20 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Price, Dini, Ernaut, Heller, Giunchigliani, Gibbons, Tiffany, Perkins, Chowning, Marvel, Collins, Segerblom, Neighbors, McGaughey, Carpenter, Garner, Freeman, Bache, Anderson, Myrna Williams, Scherer, Smith, Evans, Sader, Gregory, Hettrick, Augustine, Toomin, Lambert, Bennett, de Braga, Bonaventura, Regan, Petrak, Wendell Williams, Arberry, Porter, Schneider, Kenny, Humke, Haller and Spitler:

Assembly Concurrent Resolution No. 68—Granting administrative leave to legislative employees in recognition of their services to the 67th session of the Nevada Legislature.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblyman Price.

Resolution adopted.

By Assemblymen Tiffany, Schneider, Anderson, Toomin, Gibbons, Kenny, Giunchigliani, Ernaut, Neighbors, Carpenter, Segerblom, Petrak, Hettrick, Bonaventura, Augustine, Wendell Williams, Bennett, Marvel, Myrna Williams, Gregory, Evans, McGaughey, Chowning, Scherer, Bache, Lambert, Smith, Garner, Spitler, Collins, de Braga, Regan, Heller, Price, Sader, Arberry, Perkins, Porter, Humke and Freeman:

Assembly Concurrent Resolution No. 69—Directing the Legislative Commission to conduct an interim study of coordination and management of state's housing programs.

Assemblyman Tiffany moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 233.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 667.

Amend section 1, page 1, by deleting lines 22 and 23.

Amend section 1, page 1, line 24, by deleting "*(d)*" and inserting "*(c)*".

Amend section 1, page 2, line 1, by deleting "*(e)*" and inserting "*(d)*".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 364.

Bill read third time.

The following amendment was proposed by Assemblymen Porter, Evans and Gibbons:

Amendment No. 787.

Amend sec. 3, pages 2 and 3, by deleting lines 46 through 48 on page 1 and lines 1 and 2 on page 2 and inserting:

"Sec. 3. *A record listed in subsection 2 of NRS 239.010 must be disclosed if, with respect to the particular record, the general policy in favor of open records outweighs an expectation of privacy or a justification for nondisclosure based on public policy.*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblymen Porter, Bennett, Gibbons, Scherer, Smith, Garner, de Braga and Bonaventura.

Assemblyman Chowning requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. During the interim period between the last legislative session and this one, I, along with my colleagues from District No. 25 and District No. 30 respectively, had the honor of studying, for the first time since 1911, the Nevada Public Records Law. As a result of that interim study, we submitted some recommendations to the legislature, the heart and soul of which is Assembly Bill No. 364.

During the hearings in the Assembly Government Affairs Committee, there were some differences of opinion from the interim study recommendation as to section 3 of Assembly Bill No. 364. Mr. Speaker, this amendment would change section 3 to restore the initial language as recommended by the interim study committee. To understand the context of the bill, with your permission Mr. Speaker, I may have to deviate a little from the amendment.

From a historical perspective, since 1911 when the first Nevada Public Records Law was adopted, the legislature, over the years, has crafted some 300 exceptions to that rule. We did not have the budget, Mr. Speaker, nor the time to examine those 300 exemptions in and of themselves during the last interim study. As a result, one of the recommendations of your interim study committee was to have a follow-up study to examine those 300 exemptions to see which should be retained and which ones should be abolished. Our compromise in the interim study was to create a balancing test.

If you will notice the language in Amendment No. 787, the language adopted by the interim study committee says a record listed in subsection 2 of NRS 239.010 that deals with the definition of public record, and what is and is not confidential, must be disclosed with respect to the particular record. The general policy in favor of open records outweighs the expectation of privacy or justification for nondisclosure based on public policy.

It was the interim study's recommendation, Mr. Speaker, that since we did not have the opportunity to examine the 300 exceptions, some of them may be antiquated. As a result, this balancing text allows an individual to petition a court, who will be the final arbitrator of this decision, and argue to the court that even though the legislature has expressed a preference that a record should remain confidential, there is justification for opening that record if a policy in favor of openness is what the legislature has tried to adopt outweighs the individual expectation of privacy. It is a balancing first amendment argument. What we tried to do was to say it is fine to express a public policy that certain records should be closed, but there may arise a situation down the road where there is a compelling reason why this particular record, which is closed, should under these circumstances become open. That is the issue that this amendment addresses.

Mr. Speaker, if this amendment is adopted, courts in Nevada will be the final determiners of what is and is not open only with respect to the 300 exemptions already crafted in the statute. The general policy expressed in Assembly Bill No. 364 is for open records and open disclosure to whoever wants to look at them. You have to take the 300 exceptions in context with the general policy in favor of openness. This allows the balancing test by a court of law to deal with those 300 separate exemptions.

The interim study committee of Assembly Concurrent Resolution No. 90 wholeheartedly recommends that you change this language back to our initial recommendation and that you adopt Amendment No. 787. Thank you.

ASSEMBLYMAN BENNETT:

Thank you, Mr. Speaker, I rise in opposition to Amendment No. 787. As Mr. Porter has indicated, either Assembly Bill No. 364 as currently amended, or in the amendment that Mr. Porter is proposing, the wording regarding balancing test is the same. It states general policy in favor of open records that outweighs an expectation of privacy, justification or nondisclosure based on public policy. We are not arguing that.

The issue here is when that balancing test is going to be applied. I think people who provide information to a governmental entity, or businesses that provide information do so with the expectation that that information based on certain statutes is going to be held

confidential. I suggest that if that were not the case, they might not provide the information in the first place, but just as the public has a right to know information, the people who provide that information have a right to confidentiality if, in fact, they are doing so in good faith based on certain statutes.

I also support the continuation of the interim study to go back and look at those 300 statutes and other exceptions to open records to determine whether or not they should remain as they are or be repealed or revised in some way. I believe that the legislature, in originally establishing those statutes, has already done a balancing test and determined that the right to privacy outweighs the public's right to know. And, so again, I feel that it is strictly a matter of when it should be applied. The bill, as presently amended, indicates that in the absence of legislative intent, this balancing test will be applied just the same as the Supreme Court in Donrey versus Bradshaw. The only reason they utilized the balancing test was because there was the absence of legislative intent. Where that intent is clear, those records should remain confidential.

I cannot speak as eloquently on the issue as Mr. Porter can, although there has been a lot of debate on it. Even though the interim study's consensus on this was very clear, and testimony during the Government Affairs Committee hearing that the advisory group who worked on this was split, the subcommittee which I chaired supported the amended bill as it is currently on the board, four to one. The Government Affairs Committee voted on this section separately from other amendments and supported it eight to four. I understand Mr. Porter's position, but I think this bill, as currently on the board, is a more reasonable position to take. I would wholeheartedly support that in the next interim period we look at the individual statutes to determine whether they should be revised, repealed or kept as they currently exist. Thank you.

MR. SPEAKER:

Thank you, Mr. Bennett. I would like to remind the members not to use member's names in debate.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. I rise in support of this amendment. As my colleague from District No. 8 has stated, the importance and significance of the balancing test cannot be overstated. Whenever there is a question whether a document or a record is a public record and thus open for inspection, there must be, if it is not already identified by statute, a balancing test accomplished on that. The balancing test is done on a case-by-case basis. An evaluation is conducted on the sufficiency of the justification offered for non-disclosure. The balancing test takes the public interest, in the right to know what the public servants of this state or in any government agency are doing, and weighs that with the efficiency and expectation of an uninterrupted governmental process. I believe that repeating policy consideration of the fundamental right of public access to open records is far greater than it is to have the incidental rights of government, and an agency free from an expectation of interruption. For this, I think the performance of the balancing test should be in favor of public access. Right now, under the current bill, without this amendment, the burden is on the public. It is upon the individual to find a way to show there is no justification for them holding back that information from public access. Mr. Speaker, I would support this amendment in favor of public access in good government. Thank you.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker. I rise in opposition to Amendment No. 787. It is all well and good to talk about good government public access. I think we have to bear in mind that the government does a lot more these days than simply conducting the public's business. Government intrudes into virtually every aspect of private business and in the private lives of individuals.

As the distinguished Majority Leader pointed out, we have some 300 exemptions to our public records law. Most of those exemptions were created for a purpose. This body and our colleagues down the hall considered whether the public policy of open records was outweighed by the need for privacy in specific instances. In those instances, this body, the representatives of the people, came down in favor of keeping the records closed to protect

the privacy of private individuals. I wholeheartedly agree that the government conducting the public's business should be completely open to the public. I do not believe that the government using its regulatory authority to delve into private matters should then make those private matters open to anyone who wants to see them.

As was pointed out by the Assistant Majority Leader, the uncertainty of knowing whether or not information to be provided will be confidential will cause people to think twice about whether they want to fully cooperate with government agencies, whether they want to assist the regulatory purpose that we created those agencies to fulfill. Having served as counsel to one of those agencies, I know it would have been extraordinarily difficult to get witnesses who feared intimidation, who feared retaliation, to cooperate if I could not have assured them, absolutely, that the statute says your help is confidential and we can keep it confidential.

I will note that I am opposed to the balancing test altogether, either in the current bill or in the amendment. We have a law that is very clear. It says all records are open unless there is a specific exemption. I think that is the way the law should be. There should not be exemptions crafted without careful consideration by the representatives of the people. The balancing test substitutes the judgment of one individual, a judge, for the collective wisdom of the legislature and the Governor. I agree with the Majority Leader that some of the exemptions may be antiquated. They certainly need to be reviewed. Those that are antiquated should be abolished. I believe this amendment uses a machete where a scalpel would be more appropriate. Thank you.

ASSEMBLYMAN SMITH:

Thank you, Mr. Speaker. I rise in opposition to Amendment No. 787 to Assembly Bill No. 364. I feel very strongly about openness in government and the public's right to know. I also feel very strongly about the systems we are here to represent. There are things that happen to them in their personal lives that far outweigh the public's right to know. We spent a great deal of time in this session, at least I have, in my committee debating minutia as far as words; information known at the time versus knowingly failed to report; things that are allowed to the extent permitted versus the extent not prohibited. We debate these ad nauseam. Now we have a test that basically says that you are guilty until we can presume your innocence. It is my understanding of government that we should assume people are innocent unless proven otherwise. This is, of course, not an issue of guilt or innocence but it is the same principle. I think it is the principle that we need to uphold as elected officials. Therefore, I oppose this amendment.

ASSEMBLYMAN GARNER:

Thank you, Mr. Speaker. I rise in opposition to this amendment and to express my support for the subcommittee that worked on this bill for a good, long time and also in working for the Government Affairs Committee. I believe the amendment proposed by the committee goes a long way towards addressing the concerns expressed throughout the hearings concerning this measure. I believe we are going too far in supporting the amendment that is being proposed.

ASSEMBLYMAN DE BRAGA:

Thank you, Mr. Speaker. To you and through you, to the Majority Leader. As Amendment No. 787 is currently worded, does any danger exist that somebody other than the courts could make the decision to open these records?

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. To you and through you, in subsequent bills we have passed, the agency head who has jurisdiction over the bill can make the initial decision whether or not to close. That also deals with confidentiality, but I would remind my colleague from Fallon and Churchill County, that if it is closed by statute already, the agency head has a legislative directive. It is already said that this is a closed document. The only way that agency head is going to release it is under the compulsion of law with the application of the balancing test. The agency head is not the balancer once it is closed.

ASSEMBLYMAN BONAVENTURA:

Thank you, Mr. Speaker. I would just like to share with this body a question on a

questionnaire that I sent out to all the registered voters in my district. The question reads, "Many records of governmental agencies are open to inspection by the general public. However, over the years a number of exemptions have been made. The entire issue is being debated with the press and some citizens' groups calling for wide access, while public employee groups say even public employees deserve some privacy. Would you prefer," and I gave two answers. The first answer was, "All public records, including public employee's health records and job performance ratings, should be open to everyone." Thirty-four percent checked that answer. The second answer was, "Employee files should be limited to revealing items such as length of employment, job classification, amount of sick leave used and salary." Sixty-six percent checked that answer. Thank you.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. I did want to mention that some of the remarks made during the debate by the Assistant Majority Leader are absolutely correct in his characterization of the Bradshaw case. As a result, Mr. Speaker, retention of Assembly Bill No. 364, as currently amended, will accomplish nothing because that is already the law.

For 82 years, this body has not addressed this particular concern. If you do not address it in its context, then I will later encourage you to kill the bill because the interim study will have wasted a lot of time and will have accomplished nothing, in my opinion. Thank you.

ASSEMBLYMAN BENNETT:

Thank you, Mr. Speaker. To you and through you to this body, I strongly disagree with the Majority Leader regarding the amended version of Assembly Bill No. 364. The interim study has done a tremendous amount of work here. They more clearly defined what a public record is, and what the government entity is. They have also clearly defined certain records that should always be held open. They have defined certain records that are determined to be not public records. They have also indicated certain records that should be restricted. The only question here is when the intent of the legislature is not clear, or is absent entirely, that a balancing test then be used.

I must say that the interim study and the committees during this legislative session have done a tremendous amount of work. Assembly Bill No. 364 is a tremendous step forward as far as public records are concerned. Thank you.

Assemblymen Ernaut, Regan and Porter requested a roll call on Assemblyman Porter's motion.

Assemblyman Price moved that the Assembly adjourn.

Mr. Speaker refused to recognize Assemblyman Price's motion.

Assemblyman Price appealed Mr. Speaker's decision.

The question was put: "Shall the decision of the Chair stand as judgment of the Assembly?"

Mr. Speaker's decision sustained.

Remarks by Assemblymen Porter and Bennett.

Assemblymen Toomin, Gibbons and Giunchigliani moved the previous question.

Motion carried.

The question being on Assemblyman Porter's motion to adopt Amendment No. 787 to Assembly Bill No. 364.

Roll call on Assemblyman Porter's motion:

YEAS—16.

NAYS—Anderson, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Evans, Freeman, Garner, Giunchigliani, Hettrick, Kenny, McGaughey, Neighbors, Perkins, Petrak, Price, Regan, Scherer, Segerblom, Smith, Toomin—25.

Absent—Haller.

The motion having failed to receive a majority, Mr. Speaker declared it lost.

Remarks by Assemblymen Ernaut and Bennett.

Assemblyman Chowning requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. Unfortunately, now I am put in a position where, after doing the like work of the other subcommittee members, I have to stand in opposition of this bill. It is a sad day when I have to stand in opposition to a bill that accesses public records. Let me tell you why.

On this balancing test, the crux of the argument is this. As written in this bill, it says if the status of a particular record has not been specifically addressed by statute, on top of the 300 exemptions, those are specifically addressed by statute. In the amendment that just lost, the difference was this. A record listed in subsection 2 of NRS 239.010 must be disclosed. Here is the key word, "it," it with respect to the particular record, the general policy in favor of open records outweighs the expectation of privacy. That balancing test will be put to by the judiciary. This is merely what the amendment was doing. Now, you have put yourselves in a position where you are voting for public records access bill that does nothing. It does nothing. You have taken one giant step sideways. Thank you.

ASSEMBLYMAN BENNETT:

Thank you, Mr. Speaker. I think most of the pertinent parts of this bill have already been discussed. I was a little slow in pushing my button regarding the floor statement. I think most of the issues have been discussed here. Again, I would like to say that I disagree with my colleague from Washoe County in the fact that this bill does nothing. It does a great deal. It takes a giant step forward. I would certainly hope that further study regarding the individual exceptions in law be completed and we continue to go forward on this particular issue. Thank you.

Assemblyman Wendell Williams moved that Assembly Bill No. 364 be taken from the General File and placed on the Chief Clerk's desk.

Motion lost on a division of the house.

Roll call on Assembly Bill No. 364:

YEAS—27.

NAYS—Arberry, Collins, Ernaut, Evans, Gibbons, Heller, Lambert, Marvel, Petrak, Scherer, Tiffany, Myrna Williams, Wendell Williams, Mr. Speaker—14.

Absent—Haller.

Assembly Bill No. 364 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 364 was this day passed.

GENERAL FILE AND THIRD READING

Assembly Bill No. 425.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Assembly Bill No. 425:

YEAS—40.
NAYS—Anderson.
Absent—Haller.

Assembly Bill No. 425 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 507 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 26.

Resolution read third time.

Remarks by Assemblymen Perkins and Lambert.

Conflict of interest declared by Assemblyman Lambert.

Roll call on Assembly Joint Resolution No. 26:

YEAS—39.
NAYS—Carpenter.
Absent—Haller.
Not voting—Lambert.

Assembly Joint Resolution No. 26 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 274.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Senate Bill No. 274:

YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 274 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 433.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Senate Bill No. 433:

YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 433 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 306, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

MORSE ARBERRY, JR.	LAWRENCE E. JACOBSEN
JOHN W. MARVEL	RAYMOND D. RAWSON
LARRY L. SPITLER	DIANA M. GLOMB
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Arberry moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 306.

Remarks by Assemblyman Arberry.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Poonum Adams.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Kathy Molina, Beverly Cable and Marla Wilson.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Roger Meyer, James Breeden and Matthew Barulich.

On request of Assemblyman Kenny, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Lottie Wang, Lottie Palis, Gerry Gerber, Bernice Feuerstein, Ruth Gilbert, Mable Gaetano, Mr. and Mrs. I. Swartz, Mr. and Mrs. S. Martin, Mr. and Mrs. A. Kowitt, Mr. and Mrs. D. Wurm, Mr. and Mrs. D. Perlmutter, Mr. and Mrs. H. Sipelstein, Mr. and Mrs. A. Bogart, Mr. And Mrs. S. Cowan, Mr. and Mrs. S. Goldstein, Mr. and Mrs. M. Gold, Mr. and Mrs. H. Bless and Dr. and Mrs. A. Shulman.

On request of Assemblyman Regan, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Kathryn Howell.

Assemblyman Porter moved that the Assembly adjourn until Thursday, June 10, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 1:08 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SIXTY-SEVENTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

1993

BEGUN ON MONDAY, THE EIGHTEENTH DAY OF JANUARY,
AND ENDED ON FRIDAY, THE SECOND DAY OF JULY

VOLUME 2

**THE ONE HUNDRED AND FORTY-FOURTH DAY—
THE ONE HUNDRED AND SIXTY-SIXTH DAY**

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SPO, Carson City, Nevada, 1994



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THE ONE HUNDRED AND FORTY-FOURTH DAY

CARSON CITY (Thursday), June 10, 1993

Assembly called to order at 11:05 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Haller, who was excused.

Prayer by the Chaplain, Brother Glade Myler.

Our Father in Heaven, with gratitude for our blessings, we present ourselves this day to begin this session of the Assembly of the State of Nevada. We give Thee thanks for the relief from the drought that Thou has seen to give us this year, and pray that we may continue to have the precipitation so badly needed to sustain us. We also give Thee thanks for the people of this great state and the opportunity of serving them in our capacities here. Please bless us this day as we face the task of enacting laws to govern the people and land with the insight and wisdom to enact laws that will be most beneficial and according to Thy will.

We pray for all the elected officials and leaders of this state that they, too, may be inspired of Thee to govern and lead in a manner that would be most efficacious. We pray for our leaders of this great nation, also for the same blessings and the leaders of the world that peace may be restored in those lands that are ravaged by war and famine. Help us all to be mindful of those less fortunate than ourselves and open our hearts to them with an outpouring of economic charity.

We ask Thee to be with us this day in our many activities and protect us from harm and evil. With all other blessings we stand in need of, and those which the people of this state need, we ask for these things, thanking Thee again for our many blessings in our Lord's Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 715 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 466, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 9, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 56, 384, 490, 492, 517, 588, 627.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 106, 143, 198, 209, 436, 465, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 499.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 154, 243, 391.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 145, 282.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 306.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 204 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 578, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:11 a.m.

ASSEMBLY IN SESSION

At 11:12 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Wendell Williams, Petrak, Carpenter, Smith, Regan, Anderson, Bennett, Hettrick, Ernaut, Bache, Garner, Gibbons, Heller, Collins, Myrna Williams, Toomin, Humke, Kenny, Schneider, Neighbors, Segerblom, Perkins, Bonaventura, de Braga, Augustine, Price, Scherer, Chowning, Tiffany, Evans, Spitler, McGaughey, Gregory, Arberry, Marvel, Porter, Haller, Lambert, Freeman, Sader and Giunchigliani:

Assembly Concurrent Resolution No. 70—Commending the Retired Public Employees of Nevada.

WHEREAS, The Retired Public Employees of Nevada have played a vital role in representing the concerns of Nevada's retired public employees since their organization in 1976; and

WHEREAS, The Retired Public Employees of Nevada have continued to serve as a voice for retirees throughout the State of Nevada, with chapters in 15 communities; and

WHEREAS, With over 6,300 members, the Retired Public Employees of Nevada provided outstanding service to school districts, cities, counties, the University and Community College System of Nevada, other public entities and the State of Nevada during their working careers; and

WHEREAS, Many of these members remain active after retirement by becoming volunteers in their communities; and

WHEREAS, The Retired Public Employees of Nevada will hold its annual meeting in Carson City from June 9 through June 11, 1993; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 67th session of the Nevada Legislature do hereby commend the Retired Public Employees of Nevada for their many contributions to the people of Nevada and for their years of dedicated service as employees of this state; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to President James A. Edmundson and President-elect Clarence Eiche.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini, Anderson, Heller and Marvel.

Resolution adopted unanimously.

Assemblyman Dini moved that all rules be suspended and that Assembly Concurrent Resolution No. 70 be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 207.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Assembly Bill No. 207:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 207 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 499.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 499:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 499 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 581.

Bill read third time.

Remarks by Assemblyman Carpenter.
Roll call on Assembly Bill No. 581:

YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 581 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 720.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Assembly Bill No. 720:

YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 720 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 722.
Bill read third time.
Remarks by Assemblymen Arberry, Lambert and Porter.
Roll call on Assembly Bill No. 722:

YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 722 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 35.
Resolution read third time.
Remarks by Assemblyman Marvel.
Roll call on Assembly Joint Resolution No. 35:

YEAS—40.
NAYS—Carpenter.
Absent—Haller.

Assembly Joint Resolution No. 35 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 36.
Resolution read third time.
Remarks by Assemblymen Heller and Freeman.

Roll call on Assembly Joint Resolution No. 36:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Joint Resolution No. 36 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 222, 351, 382, 388 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

In compliance with a notice given on a previous day, Assemblyman Porter moved that the vote whereby Assembly Bill No. 364 was passed be reconsidered.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 364 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Hettrick, Schneider, Augustine, Neighbors, Petrak, Regan, de Braga, Chowning, Humke, Scherer, Anderson, McGaughey, Freeman, Garner, Marvel, Gregory, Gibbons, Kenny, Wendell Williams, Arberry, Bonaventura, Perkins, Segerblom, Heller, Bennett, Evans, Lambert, Tiffany, Ernaut, Spitler, Bache, Smith, Myrna Williams, Porter, Toomin, Sader, Carpenter, Giunchigliani, Collins, Dini and Price:

Assembly Bill No. 750—An Act relating to real estate transactions; providing for the registration of an intermediary of an exchange of real property which is tax free pursuant to the Internal Revenue Code; prohibiting a person from acting as such an intermediary unless he and the exchange meet certain qualifications of the Internal Revenue Service; prohibiting an intermediary from handling a client's money in a manner which is detrimental to the interests of the client; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 154.

Assemblyman Bennett moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 243.

Assemblyman Bennett moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 391.

Assemblyman Bennett moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 499.

Assemblyman Bennett moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 407.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 663.

Amend sec. 2, page 1, between lines 12 and 13, by inserting:

"*4. The governor shall appoint a person who is trained in the management of facilities to assist the energy retrofit coordinator of the:*

(a) Judicial branch of government, upon request of the supreme court.

(b) Legislative branch of government, upon request of the legislative commission.

A person appointed to assist an energy retrofit coordinator pursuant to this subsection shall provide all assistance requested including making recommendations for proposals for retrofitting buildings and any other assistance necessary to enable the coordinator to carry out the provisions of section 3 of this act.".

Amend sec. 3, page 2, line 31, by deleting the period and inserting: "*but the interest due on any debt created pursuant to this section must be paid at least semiannually, payments must be made on the principal at least annually and the debt must be fully repaid on or before May 1, 2013.*".

Amend sec. 3, page 3, line 6, after "*10.*" by inserting: "*The legislature hereby pledges that a tax will be levied to pay the principal and interest on any indebtedness resulting from a contract executed pursuant to this section as they become due if the required payments will not be made by the entity that executed the contract from its budgeted accounts and the proceeds from any such taxes are hereby specially appropriated for this purpose.*

11.".

Amend the bill as a whole by adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. This act expires by limitation on May 1, 2013.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 408.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 528.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 645.

Amend the bill as a whole by deleting sections 1 through 11 and adding new sections designated sections 1 to 12, following the enacting clause, to read as follows:

"Section 1. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

The secretary of state shall adopt regulations which prescribe the categories of campaign expenses required to be included in the reports filed pursuant to NRS 294A.200, 294A.210, 294A.220 and 294A.280.

Sec. 2. NRS 294A.004 is hereby amended to read as follows:

294A.004 "Campaign expenses" means all expenditures contracted for or made for advertising on television, radio, billboards, posters and in newspapers, and all other expenditures contracted for or made to further directly the campaign for the election or defeat of a candidate or group of candidates or the passage or defeat of a question or group of questions on the ballot, including any *repayments of a loan made by a candidate to his campaign and* payments made to a candidate or any person who is related to the candidate within the second degree of consanguinity or affinity.

Sec. 3. NRS 294A.007 is hereby amended to read as follows:

294A.007 *1.* "Contribution" means a gift, loan, conveyance, deposit, payment, transfer or distribution of money or of anything of value other than the services of a volunteer . [, and]

2. *The term* includes [the] *:*

(a) The payment by any person other than a candidate of compensation for the personal services of another person which are rendered to a:

[1.] *(1)* Candidate;

[2.] *(2)* Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group;

[3.] *(3)* Committee for political action which makes an expenditure on behalf of a candidate or group of candidates; or

[4.] *(4)* Person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot, without charge to the candidate, person or committee.

(b) Any gift or loan made by a candidate to his campaign.

(c) Anything of value which is donated to a candidate's campaign.

(d) Anything of value which is sold to a candidate's campaign at less than fair market value. The amount of the contribution is the difference between the fair market value of the item and the price paid by the campaign for the item.

Sec. 4. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. [Every] *Except as otherwise provided in subsection 2, every* candidate for state, district, county or township office at a primary or general election shall, not later than:

(a) Fifteen days before the primary election, for the period from *30 days after* the last election for that office up to 20 days before the primary election;

(b) Fifteen days before the general election, whether or not the candidate won the primary election, for the period from 20 days before the primary election up to 20 days before the general election; and

(c) The 15th day of the second month after the general election, for the remaining period up to 30 days after the general election,

report the total amount of his campaign contributions on [forms] *the form* designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

2. *Every candidate for the office of governor, lieutenant governor, state senator or assemblyman at a primary or general election shall, not later than:*

(a) Fifteen days before the primary election, for the period from 30 days before the convening of a regular session of the legislature up to 20 days before the primary election;

(b) Fifteen days before the general election, whether or not the candidate won the primary election, for the period from 20 days before the primary election up to 20 days before the general election; and

(c) The 30th day of the second month after the general election, for the remaining period up to 30 days before the convening of the next regular session of the legislature,

report the total amount of his campaign contributions on the form designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

3. Except as otherwise provided in subsection [3,] *4,* every candidate for a district office at a special election shall, not later than:

(a) Fifteen days before the special election, for the period from his nomination up to 20 days before the special election; and

(b) Thirty days after the special election, for the remaining period up to the special election,

report the total amount of his campaign contributions on [forms] *the form* designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

[3.] *4.* Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report the total amount of his campaign contributions on [forms] *the form* designed and provided by the secretary of state and signed

by the candidate under penalty of perjury, 30 days after the special election, for the period from the filing of the notice of intent to circulate the petition for recall up to the special election.

[4. Reports]

5. A report of campaign contributions must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail the report to that officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

[5.] *6.* Every county clerk who receives from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to subsection [2] *3* shall file a copy of each report with the secretary of state within 10 working days after he receives the report.

[6.] *7.* Each contribution [in excess of $500 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the first reporting period,] must be separately identified with the name and address of the contributor and the date of the contribution [or contributions, tabulated] and reported on the form provided by the secretary of state.

[7.] *8.* Except as otherwise provided in this section, any candidate who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 5. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. Except as otherwise provided in subsection 6, every person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group and every committee for political action which makes an expenditure on behalf of a candidate or group of candidates shall, not later than:

(a) Fifteen days before a primary election or primary city election, for the period from 30 days after the last election for that office to 20 days before that election;

(b) Fifteen days before a general election or general city election, whether or not the candidate won the primary election or primary city election, for the period from 20 days before that election to 20 days before the general election or general city election; and

(c) The 15th day of the second month after a general election or general city election, for the remaining period up to 30 days after the general election or general city election,

report the total amount of contributions received on the form designed and provided by the secretary of state and shall sign the report under penalty of perjury.

2. [The report of campaign contributions must identify each] *Each* contribution [in excess of $500. Contributions which a contributor has made cumulatively in excess of $500 since the beginning of the first reporting

period] must be separately identified with the name and address of the contributor and the date of the contribution [or contributions tabulated] and reported on the form designed and provided by the secretary of state.

3. If the candidate is elected from one county, the reports must be filed with the county clerk of that county. If the candidate is elected from one city, the reports must be filed with the city clerk of that city. For all other candidates the reports must be filed with the secretary of state. A person may make his report to the appropriate officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.

5. Except as otherwise provided in this section, any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

6. The provisions of this section do not apply to a political party or committee sponsored by a political party.

Sec. 6. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at any election including any recall or special election shall, not later than:

(a) Fifteen days before a primary election or primary city election, for the period from 30 days after the last election for that office to 20 days before that election;

(b) Fifteen days before a general election or general city election, whether or not the candidate won the primary election or primary city election, for the period from 20 days before that election to 20 days before the general election or general city election; and

(c) The 15th day of the second month after a general election or general city election, for the remaining period up to 30 days after the general election or general city election,

report the total amount of contributions received on the form designed and provided by the secretary of state and signed by the person or a representative of the group under penalty of perjury.

2. Each contribution [in excess of $500 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the first reporting period,] must be separately identified with the name and address of the contributor and the date of the contribution [or contributions tabulated] and reported on the form provided by the secretary of state.

3. If the question is submitted to the voters of only one county, the reports must be filed with the county clerk of that county. If the question is submitted to the voters of only one city, the reports must be filed with the city clerk of that city. Otherwise, the reports must be filed with the secretary

of state. If the person or group of persons is advocating passage or defeat of a group of questions, the reports must be made to the officer appropriate for each question and must be itemized by question.

4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.

5. Except as otherwise provided in this section, any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 7. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than:

(a) Fifteen days before the primary election, for the period from 30 days after the last election for that office up to 20 days before the primary election;

(b) Fifteen days before the general election, whether or not the candidate won the primary election, for the period from 20 days before the primary election up to 20 days before the general election; and

(c) The 15th day of the second month after the general election, for the remaining period up to 30 days after the general election,

report his campaign expenses *in excess of $250* on [forms] *the form* designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

2. Except as provided in subsection 3, every candidate for a district office at a special election shall, not later than:

(a) Fifteen days before the special election, for the period from his nomination up to 20 days before the special election; and

(b) Sixty days after the special election, for the remaining period up to 30 days after the special election,

report his campaign expenses *in excess of $250* on [forms] *the form* designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report his campaign expenses *in excess of $250* on [forms] *the form* designed and provided by the secretary of state and signed by the candidate under penalty of perjury, 60 days after the special election, for the period from the filing of the notice of intent to circulate the petition for recall up to 30 days after the special election.

4. [Reports] *Each report* of campaign expenses must *include the total amount of money spent for each category of campaign expenses prescribed pursuant to section 1 of this act and* be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail the report to that officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. County clerks who receive from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of

campaign expenses pursuant to subsection 2 shall file a copy of each report with the secretary of state within 10 working days after he receives the report.

6. Except as otherwise provided in this section, any candidate who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 8. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. Every person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, every committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates shall, not later than:

(a) Fifteen days before a primary election or primary city election, for the period from 30 days after the last election for that office to 20 days before that election;

(b) Fifteen days before a general election or general city election, whether or not the candidate won the primary election or primary city election, for the period from 20 days before that election to 20 days before the general election or general city election; and

(c) The 15th day of the second month after a general election or general city election, for the remaining period up to 30 days after the general election or general city election,

report the expenditures made on behalf of a candidate or group of candidates in excess of [$500 on forms] *$250 on the form* designed and provided by the secretary of state and signed by the person or a representative of the group under penalty of perjury. The report must [also include identification of expenditures which the person or group made cumulatively in excess of $500 since the beginning of the first reporting period.] *include the total amount of money spent for each category of campaign expenses prescribed pursuant to section 1 of this act.*

2. Expenditures made within the state or made elsewhere but for use within the state, including expenditures made outside the state for printing, television and radio broadcasting or other production of the media, must be included in the report. Expenditures made to communicate with the group's own members on behalf of a candidate or group of candidates must not be included in the report.

3. If the candidate is elected from one county, the reports must be filed with the county clerk of that county. If the candidate is elected from one city, the reports must be filed with the city clerk of that city. Otherwise, the reports must be filed with the secretary of state. If an expenditure is made on behalf of a group of candidates, the reports must be made to the officer appropriate for each candidate and itemized by the candidate. A person may make his report to the appropriate officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.

5. Except as otherwise provided in this section, any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 9. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at any election including any recall or special election shall, not later than:

(a) Fifteen days before a primary election or primary city election, for the period from 30 days after the last election for that office to 20 days before that election;

(b) Fifteen days before a general election or general city election whether or not the candidate won the primary election or primary city election, for the period from 20 days before that election to 20 days before the general election or general city election; and

(c) The 15th day of the second month after a general election or general city election, for the remaining period up to 30 days after the general election or general city election,

report expenditures made on behalf of or against a question or group of questions on the ballot in excess of [$500] *$250* on the form designed and provided by the secretary of state and signed by the person or a representative of the group under penalty of perjury. The report must [also include the identification of expenditures which the person or group made cumulatively in excess of $500 since the beginning of the first reporting period.] *include the total amount of money spent for each category of campaign expenses prescribed pursuant to section 1 of this act.*

2. Expenditures made within the state or made elsewhere but for use within the state, including expenditures made outside the state for printing, television and radio broadcasting or other production of the media, must be included in the report. Expenditures made to communicate with the group's own members on behalf of or against a question or group of questions must not be included in the report.

3. If the question is submitted to the voters of only one county, the reports must be filed with the county clerk of that county. If the question is submitted to the voters of only one city, the reports must be filed with the city clerk of that city. Otherwise, the reports must be filed with the secretary of state. If an expenditure is made on behalf of a group of questions, the reports must be made to the officer appropriate for each question and must be itemized by question. A person may make his report to the appropriate filing officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.

5. Except as otherwise provided in this section, any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 10. NRS 294A.270 is hereby amended to read as follows:

294A.270 1. Except as otherwise provided in subsection 2, each committee for the recall of a public officer shall, not later than:

(a) Fifteen days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall up to 20 days before the special election; and

(b) Thirty days after the election, for the remaining period up to the election,

report each contribution received or made by the committee [in excess of $500] on a form provided by the secretary of state and signed under the penalty for perjury.

2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received or made by the committee . [in excess of $500.]

3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall up to the day the court determines that an election will not be held, report each contribution received or made by the committee . [in excess of $500.]

4. Each report of contributions must be filed with the secretary of state. The committee may mail the report by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. Each contribution, whether from or to a natural person, association or corporation, [in excess of $500, and contributions which a contributor or the committee has made cumulatively in excess of that amount since the beginning of the first reporting period,] must be separately identified with the name and address of the contributor or person to whom the contribution was given and the date of the contribution [or contributions, tabulated] and reported on the form provided by the secretary of state.

6. Any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 11. NRS 294A.280 is hereby amended to read as follows:

294A.280 1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:

(a) Fifteen days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall up to 20 days before the special election; and

(b) Thirty days after the election, for the remaining period up to the election,

report [each expenditure] *the expenditures* made by the committee in excess of [$500] *$250* on [a] *the* form provided by the secretary of state and signed under the penalty for perjury.

2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report [each expenditure] *the expenditures* made by the committee in excess of [$500.] *$250.*

3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall up to the day the court determines that an election will not be held, report [each expenditure] *the expenditures* made by the committee in excess of [$500.] *$250.*

4. The report must [also include identification of expenditures which the committee for the recall of a public officer made cumulatively in excess of $500 since the beginning of the first reporting period.] *include the total amount of money spent for each category of campaign expenses prescribed pursuant to section 1 of this act.*

5. Each report of expenditures must be filed with the secretary of state. The committee may mail the report by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

6. Any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 12. NRS 294A.400 is hereby amended to read as follows:

294A.400 The secretary of state shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280, prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of $500 and the total campaign expenses of each of the candidates for legislative and judicial offices from whom reports of those contributions and expenses are required.

2. The contributions made to a committee for the recall of a public officer in excess of $500.

3. The [expenditures exceeding $500 made] *total amount of money for each category of campaign expenses prescribed pursuant to section 1 of this act spent* by a:

(a) Person on behalf of a candidate other than himself.

(b) Person or group of persons on behalf of or against a question or group of questions on the ballot.

(c) Group of persons advocating the election or defeat of a candidate.

(d) Committee for the recall of a public officer.

4. The contributions in excess of $500 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot.

(c) A committee for political action which makes an expenditure on behalf of a candidate or group of candidates.".

Amend the title of the bill to read as follows:

"An Act relating to campaign practices; eliminating the monetary threshold for the disclosure of campaign contributions; requiring the secretary of state to adopt regulations which prescribe the categories of campaign expenses; requiring the reporting of campaign expenses by categories; and providing other matters properly relating thereto.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 538.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 509.

Amend section 1, page 1, line 9, by deleting "[100] *200*" and inserting "100".

Amend section 1, page 1, by deleting lines 14 through 16 and inserting:

"3. [A] *Except in the case of an emergency, a* person shall not operate a vessel *other than the diver's support vessel* within [200] *100* feet of a diver's flag . [unless the vessel is operated]

4. Except in the case of an emergency, a person who operates a vessel at a distance of more than 100 feet but less than 200 feet of a diver's flag shall operate that vessel at a speed that leaves a flat wake, but in no case may the vessel be operated at a speed greater than 5 nautical miles per hour.".

Amend the title of the bill, second and third lines, by deleting: "increasing the distance from a diver that a diver's flag may be displayed;".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblymen Freeman, Anderson and Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:46 a.m.

ASSEMBLY IN SESSION

At 11:56 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 672.

Bill read second time.

The following amendment was proposed by the Committee on Labor and Management:

Amendment No. 732.

Amend the bill as a whole by deleting sections 1 through 10 and adding new sections designated sections 1 through 64 and the text of repealed section, following the enacting clause, to read as follows:

Section 1. NRS 232.550 is hereby amended to read as follows:

232.550 As used in NRS 232.560 to 232.700, inclusive, unless the context otherwise requires:

1. "Department" means the department of [industrial relations.] *safety, industrial insurance and enforcement.*

2. "Director" means the director of the department of [industrial relations.] *safety, industrial insurance and enforcement.*

3. "Insurer" includes the state industrial insurance system, self-insured employers [,] and those employers covered under the provisions of NRS 616.255 and 616.256.

Sec. 2. NRS 232.560 is hereby amended to read as follows:

232.560 1. The department of [industrial relations] *safety, industrial insurance and enforcement* is hereby created.

2. The department consists of a director and the following divisions:

(a) The division of administrative services.

(b) The division of enforcement for industrial safety and health.

(c) The division of mine inspection.

(d) The division of industrial insurance regulation.

(e) The division of [preventative] *training and* safety.

Sec. 3. NRS 232.570 is hereby amended to read as follows:

232.570 1. There is hereby created in the department [an advisory council] *a board of industrial regulation* composed of [seven] *five* members appointed by the governor.

2. The [advisory council] *board* must be composed of:

(a) [Three] *Two* representatives of [labor, at least two of whom must represent organized] labor;

(b) [Three] *Two* representatives of management *;* [, at least two of whom must represent employers who employ at least 250 persons;] and

(c) One representative of the general public who is knowledgeable in the field of industrial relations.

3. *The representatives of labor must be selected from a list submitted to the governor by the Nevada State Branch of the American Federation of Labor and Congress of Industrial Organization. One representative of*

management must be a policyholder with the state industrial insurance system and must be selected by the governor from lists submitted to him by employers' organizations. The other representative of management must be certified as a self-insured employer pursuant to the provisions of chapter 616 of NRS and must be selected by the governor from lists submitted to him by self-insured employers.

4. Any member who is appointed to fill a vacancy must be appointed in the same manner and possess the same general qualifications as his predecessor in office.

Sec. 4. NRS 232.580 is hereby amended to read as follows:

232.580 1. The [council] *board of industrial regulation* shall meet at least twice annually at times and places specified by a call of the chairman, the director or a majority of the [council.] *board.* Special meetings, not to exceed six per year, may be held at the call of the chairman, the director or a majority of the [council.] *board.*

2. The [council] *board* shall select from its members a chairman and vice chairman who shall hold office for 1 year. The director shall act as secretary of the [council.] *board.*

3. The [council] *board* may prescribe such bylaws as it deems necessary for its operation.

4. [Four] *Three* members of the [council] *board* constitute a quorum, and a quorum may exercise all the power and authority conferred on the [council.] *board.*

Sec. 5. NRS 232.590 is hereby amended to read as follows:

232.590 Each member of the [council] *board of industrial regulation* is entitled to receive a salary of $60 for each day's attendance at a meeting of the [council.] *board.*

Sec. 6. NRS 232.600 is hereby amended to read as follows:

232.600 1. The [council shall act in an advisory capacity to the director and may, on] *board of industrial regulation shall:*

(a) Review the annual and biennial budgets of the department.

(b) Review the regulations of the department, the director, the divisions of the department and the administrators of the divisions.

(c) Before each legislative session, report to the governor and the legislature on the operation of the department and make any recommendations which the board deems appropriate.

2. The board of industrial regulation may:

(a) On its own initiative or at the request of the director, conduct studies or investigations concerning the organization and administration of the department and its divisions and make recommendations to the director based on the results of such studies or investigations.

[2. The council shall review]

(b) Review on a quarterly basis the records of oral complaints compiled by the division *of enforcement for industrial safety and health* pursuant to NRS 618.336. Upon completing its review, the [council] *board* shall submit any comments or recommendations regarding the complaints or the records to the director.

[3. The council, by]

(c) By the affirmative vote of a majority of its members, [may] remove from the records of the department the name of a debtor and the amount of any debt owed by him, if 3 years have elapsed since the debt was incurred and the [council] *board* determines that the debt remains impossible or impractical to collect. The department shall establish a master file containing the information removed from its official records pursuant to this subsection.

Sec. 7. NRS 232.620 is hereby amended to read as follows:

232.620 The director:

1. Shall appoint administrators of the divisions of the department, subject to the approval of the governor, who are respectively designated as follows:

(a) The administrator of the division of administrative services.

(b) The administrator of the division of enforcement for industrial safety and health.

(c) The administrator of the division of mine inspection.

(d) The administrator of the division of industrial insurance regulation.

(e) The administrator of the division of [preventative] *training and* safety.

2. Is responsible for the administration, through the divisions of the department, of the provisions of chapters 512, 616, 617 and 618 of NRS, and all other provisions of law relating to the functions of the divisions of the department.

3. Has such other powers and duties as are provided by law.

Sec. 8. NRS 232.680 is hereby amended to read as follows:

232.680 1. The cost of carrying out the provisions of NRS 232.550 to 232.700, inclusive, and of supporting the department and its various divisions must be paid from assessments payable by each:

(a) Insurer based upon expected annual expenditures for claims; and

(b) Employer who provides accident benefits for injured employees pursuant to NRS 616.415, based upon his expected annual expenses of providing those benefits.

The department shall adopt regulations which establish formulas of assessment which result in an equitable distribution of costs among the insurers and employers who provide accident benefits for injured employees.

2. Federal grants may partially defray the costs of the divisions.

3. Assessments made against insurers by the department after the adoption of regulations must be used to defray all costs and expenses of administering the program of [workmen's] *workers'* compensation, including the payment of:

(a) All salaries and other expenses in administering the division of industrial insurance regulation, the division of administrative services, the division of enforcement for industrial safety and health, the division of [preventative] *training and* safety and the division of mine inspection, including the costs of the office and staff of the director.

(b) All salaries and other expenses of administering NRS 616.253 to 616.2539, inclusive, the offices of the hearings division of the department of

administration and the [programs of self-insurance and] review of premium rates *and certification of third-party administrators* by the commissioner of insurance.

(c) Claims against uninsured employers arising from compliance with NRS 616.377 [.] *or 617.275.*

Sec. 9. NRS 244.33505 is hereby amended to read as follows:

244.33505 1. In a county in which a license to engage in a business is required, the board of county commissioners shall not issue such a license unless the applicant for the license signs an affidavit affirming that the business:

(a) Has received coverage by the state industrial insurance system required pursuant to chapter 616 of NRS;

(b) Maintains a valid certificate of self-insurance pursuant to chapter 616 of NRS; or

(c) Is not subject to the provisions of chapter 616 of NRS.

2. In a county in which such a license is not required, the board of county commissioners shall require a business, when applying for a post office box, to submit to the board the affidavit required by subsection 1.

3. Each board of county commissioners shall submit to the administrator monthly a list of the names of those businesses which have submitted an affidavit required by subsections 1 and 2.

4. Upon receiving an affidavit required by this section, a board of county commissioners shall provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the division of [preventative] *training and* safety of the department of [industrial relations] *safety, industrial insurance and enforcement* pursuant to NRS 618.376.

Sec. 10. NRS 268.0955 is hereby amended to read as follows:

268.0955 1. In an incorporated city in which a license to engage in a business is required, the city council or other governing body of the city shall not issue such a license unless the applicant for the license signs an affidavit affirming that the business:

(a) Has received coverage by the state industrial insurance system required pursuant to chapter 616 of NRS;

(b) Maintains a valid certificate of self-insurance pursuant to chapter 616 of NRS; or

(c) Is not subject to the provisions of chapter 616 of NRS.

2. In an incorporated city in which such a license is not required, the city council or other governing body of the city shall require a business, when applying for a post office box, to submit to the governing body the affidavit required by subsection 1.

3. Each city council or other governing body of an incorporated city shall submit to the administrator monthly a list of the names of those businesses which have submitted an affidavit required by subsections 1 and 2.

4. Upon receiving an affidavit required by this section, the city council or other governing body of an incorporated city shall provide the applicant with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the division of [preventative] *training and* safety of the department of [industrial relations] *safety, industrial insurance and enforcement* pursuant to NRS 618.376.

Sec. 11. NRS 338.195 is hereby amended to read as follows:

338.195 1. No public building or other public structure may be renovated or demolished until a survey of the building or structure has been made for the presence of asbestos or material containing asbestos.

2. As used in this section, "material containing asbestos" has the meaning ascribed to it by the department of [industrial relations] *safety, industrial insurance and enforcement* pursuant to NRS 618.765.

Sec. 12. NRS 459.3816 is hereby amended to read as follows:

459.3816 1. The following substances are designated as highly hazardous, if present in the quantity designated after each substance or a greater quantity:

Chemical Name of Substance	Number Assigned by Chemical Abstract Service	Quantity (In pounds)
Acetaldehyde	75-07-0	2500
Acrolein (2-Propenal)	107-02-8	150
Acrytyl Chloride	814-68-6	250
Allyl Chloride	107-05-1	1000
Allylamine	107-11-9	1500
Alkylaluminums	None	5000
Ammonia, Anhydrous	7664-41-7	5000
Ammonia solutions (44% ammonia by weight)	7664-41-7	10000
Ammonium Perchlorate	7790-98-9	7500
Ammonium Permanganate	7787-36-2	7500
Arsine (also called Arsenic Hydride)	7784-42-1	100
Bis(Chloromethyl) Ether	542-88-1	100
Boron Trichloride	10294-34-5	2500
Boron Trifluoride	7637-07-2	250
Bromine	7726-95-6	1500
Bromine Chloride	13863-41-7	1500
Bromine Pentafluoride	7789-30-2	2500
Bromine Trifluoride	7787-71-5	15000
3-Bromopropyne (also called Propargyl Bromide)	106-96-7	7500
Butyl Hydroperoxide (Tertiary)	75-91-2	5000
Butyl Perbenzoate (Tertiary)	614-45-9	7500
Carbonyl Chloride (see Phosgene)	75-44-5	100
Carbonyl Fluoride	353-50-4	2500
Cellulose Nitrate (concentration 12.6% Nitrogen)	9004-70-0	2500

Chlorine	7782-50-5	1500
Chlorine Dioxide	10049-04-4	1000
Chlorine pentafluoride	13637-63-3	1000
Chlorine Trifluoride	7790-91-2	1000
Chlorodiethylaluminum (also called Diethylaluminum Chloride)	96-10-6	5000
1-Chloro-2,4-Dinitrobenzene	97-00-7	5000
Chloromethyl Methyl Ether	107-30-2	500
Chloropicrin	76-06-2	500
Chloropicrin and Methyl Bromide mixture	None	1500
Chloropicrin and Methyl Chloride mixture	None	1500
Cumene Hydroperoxide	80-15-9	5000
Cyanogen	460-19-5	2500
Cyanogen Chloride	506-77-4	500
Cyanuric Fluoride	675-14-9	100
Diacetyl Peroxide (concentration 70%)	110-22-5	5000
Diazomethane	334-88-3	500
Dibenzoyl Peroxide	94-36-0	7500
Diborane	19287-45-7	100
Dibutyl Peroxide (Tertiary)	110-05-4	5000
Dichloro Acetylene	7572-29-4	250
Dichlorosilane	4109-96-0	2500
Diethylzinc	557-20-0	10000
Diisopropyl peroxydicarbonate	105-64-8	7500
Dilauroyl Peroxide	105-74-8	7500
Dimethyl Sulfide	75-18-3	100
Dimethyldichlorosilane	75-78-5	1000
Dimethylhydrazine, 1.1-	57-14-7	1000
Dimethylamine, Anhydrous	124-40-3	2500
Ethyl Methyl Ketone Peroxide (also Methyl Ethyl Ketone peroxide; concentration 60%)	1338-23-4	5000
Ethyl Nitrite	109-95-5	5000
Ethylamine	75-04-7	7500
Ethylene Fluorohydrin	371-62-0	100
Ethylene Oxide	75-21-8	5000
Ethyleneimine	151-56-4	1000
Fluorine	7782-41-4	1000
Formaldehyde (concentration 90%)	50-00-0	1000
Furan	110-00-9	500
Hexafluoroacetone	684-16-2	5000
Hydrochloric Acid, Anhydrous	7647-01-0	5000
Hydrofluoric Acid, Anhydrous	7664-39-3	1000
Hydrogen Bromide	10035-10-6	5000
Hydrogen Chloride	7647-01-0	5000
Hydrogen Cyanide, Anhydrous	74-90-8	1000

Hydrogen Fluoride	7664-39-3	1000
Hydrogen Peroxide(52% by weight or more)	7722-84-1	7500
Hydrogen Selenide	7783-07-5	150
Hydrogen Sulfide	7783-06-4	1500
Hydroxylamine	7803-49-8	2500
Iron, pentacarbonyl-	13463-40-6	250
Isopropyl Formate	625-55-8	500
Isopropylamine	75-31-0	5000
Ketene	463-51-4	100
Methacrylaldehyde	78-85-3	1000
Methacryloyl Chloride	920-46-7	150
Methacryloyloxyethyl Isocyanate	30674-80-7	100
Methyl Acrylonitrile	126-98-7	250
Methylamine, Anhydrous	74-89-5	1000
Methyl Bromide	74-83-9	2500
Methyl Chloride	74-87-3	15000
Methyl Chloroformate	79-22-1	500
Methyl Disulfide	624-92-0	100
Methyl Ethyl Ketone Peroxide (concentration 60%)	1336-23-4	5000
Methyl Fluoroacetate	453-18-9	100
Methyl Fluorosulfate	421-20-5	100
Methyl Hydrazine	80-34-4	100
Methyl Iodide	74-88-4	7500
Methyl Isocyanate	624-83-9	250
Methyl Mercaptan	74-93-1	5000
Methyl Vinyl Ketone	79-84-4	100
Methyltrichlorosilane	75-79-6	500
Nickel Carbonyl (Nickel Tetracarbonyl)	13463-39-3	150
Nitric Acid (94.5% by weight or greater)	7697-37-2	500
Nitric Oxide	10102-43-9	250
Nitroaniline (para Nitroaniline)	100-01-6	5000
Nitromethane	75-52-5	2500
Nitrogen Dioxide	10102-44-0	250
Nitrogen Oxides (NO; NO2; N2O4; N2O3)	10102-44-0	250
Nitrogen Tetroxide (also called Nitrogen Peroxide)	10544-72-6	250
Nitrogen Trifluoride	7783-54-2	5000
Nitrogen Trioxide	10544-73-7	250
Oleum (65% to 80% by weight; also called Fuming Sulfuric Acid)	8014-94-7	1000
Osmium Tetroxide	20816-12-0	100
Oxygen Difluoride (Fluorine Monoxide)	7783-41-7	100
Ozone	10028-15-6	100
Pentaborane	19624-22-7	100
Peracetic Acid (also called Peroxyacetic Acid)	79-21-0	5000
Perchloric Acid (concentration 60%)	7601-90-3	5000

Perchloromethyl Mercaptan	594-42-3	150
Perchloryl Fluoride	7616-94-6	5000
Peroxyacetic Acid (concentration 60%; also called Peracetic Acid)	79-21-0	5000
Phosgene (also called Carbonyl Chloride)	75-44-5	100
Phosphine (hydrogen Phosphide)	7803-51-2	100
Phosphorus Oxychloride (also called Phosphoryl Chloride)	10025-87-3	1000
Phosphorus Trichloride	7719-12-2	1000
Phosphoryl Chloride (also called Phosphorus Oxychloride)	10025-87-3	1000
Propargyl Bromide	106-96-7	7500
Propyl Nitrate	627-3-4	2500
Sarin	107-44-8	100
Selenium Hexafluoride	7783-79-1	1000
Stibine (Antimony Hydride)	7803-52-3	500
Sulfur Dioxide (liquid)	7446-09-5	1000
Sulfur Pentafluoride	5714-22-7	250
Sulfur Tetrafluoride	7783-60-0	250
Sulfur Trioxide (also called Sulfuric Anhydride)	7446-11-9	1000
Sulfuric Anhydride (also called Sulfur Trioxide)	7446-11-9	1000
Tellurium Hexafluoride	7783-80-4	250
Tetrafluoroethylene	116-14-3	5000
Tetrafluorohydrazine	10036-47-2	5000
Tetramethyl Lead	75-74-1	7500
Thionyl Chloride	7719-09-7	250
Trichloro(chloromethyl) Silane	1558-25-4	100
Trichloro(dichlorophenyl) Silane	21737-85-5	2500
Trichlorosilane	10025-78-2	5000
Trifluorochloroethylene	79-38-9	10000
Trimethyoxysilane	2487-90-3	1500

2. The division, in consultation with the health division of the department of human resources and the division of enforcement for industrial safety and health of the department of [industrial relations] *safety, industrial insurance and enforcement* shall regularly examine the sources of information available to it with regard to potentially highly hazardous substances. The division shall, by regulation, add to the list of highly hazardous substances any chemical that is identified as being used, manufactured, stored, or capable of being produced, at a facility, in sufficient quantities at a single site, that its release into the environment would produce a significant likelihood that persons exposed would suffer death or substantial bodily harm as a consequence of the exposure.

Sec. 13. NRS 459.3820 is hereby amended to read as follows:

459.3820 1. The health division of the department of human resources, the division of enforcement for industrial safety and health of the department

of [industrial relations] *safety, industrial insurance and enforcement* and any other governmental entity or agency of the state responsible for minimizing risks to persons and property posed by regulated facilities and hazardous substances shall submit to the division such reports as the division deems necessary to carry out the provisions of NRS 459.380 to 459.3874, inclusive. The reports must be submitted at such times and contain such information as required by the division.

2. The division shall adopt by regulation common reporting forms to be used by such governmental entities and agencies when reporting information related to hazardous substances and regulated facilities.

3. The division shall review the rules, regulations, standards, codes and safety orders of other governmental entities and agencies of the state responsible for minimizing risks to persons and property posed by regulated facilities and hazardous substances to ensure that they are sufficient to carry out the provisions of NRS 459.380 to 459.3874, inclusive.

4. If the division and any other governmental entity or agency of the state have coexisting jurisdiction over the regulation of regulated facilities or hazardous substances located at such facilities, the division has the final authority to take such actions as are necessary to carry out the provisions of NRS 459.380 to 459.3874, inclusive.

Sec. 14. NRS 459.3868 is hereby amended to read as follows:

459.3868 1. A committee shall conduct a comprehensive review and evaluation of the following with respect to each facility within its jurisdiction:

(a) The degree of compliance with NRS 459.380 to 459.3874, inclusive, the applicable fire codes, the regulations, standards and safety orders of the division of enforcement for industrial safety and health of the department of [industrial relations,] *safety, industrial insurance and enforcement,* the rules, regulations and standards of the state environmental commission and any other standards adopted by the Federal Government, State of Nevada or local governments and their respective agencies for the health and safety of persons and property which may be at risk if those rules, regulations, standards, codes and safety orders are not complied with;

(b) The effectiveness of the respective governmental entities and their agencies' enforcement of their respective rules, regulations, standards, codes and safety orders; and

(c) The adequacy and effectiveness of the plans for response to emergencies adopted for the area in which the facility is located in responding to risks posed to the persons and property located within the zone of risk.

2. A committee shall exercise its best efforts to facilitate cooperation among the various governmental entities and agencies responsible for minimizing risks to persons and property posed by the facility within its jurisdiction and the effective enforcement of the various governmental entities' and agencies' rules, regulations, standards, codes and safety orders. A committee shall cooperate to the extent necessary with other committees and governmental agencies to minimize the duplication of records, reports or other information.

3. A committee shall issue a final report of its comprehensive review and evaluation together with any recommendations. A committee shall make such interim reports as it or the governor may deem in the public interest. The division shall distribute the reports to the governor, members of the committee, local governments within the zone of risk, the various governmental agencies whose rules, regulations, standards, codes or safety orders were the subject of the committee's review and evaluation, and the local media. Copies of the final written report must be made available to the public for purchase at cost of reproduction. All interim reports must be distributed forthwith in the same manner as annual written reports.

Sec. 15. NRS 512.004 is hereby amended to read as follows:

512.004 "Administrator" means the administrator of the division of mine inspection of the department of [industrial relations.] *safety, industrial insurance and enforcement.*

Sec. 16. NRS 590.645 is hereby amended to read as follows:

590.645 The division of enforcement for industrial safety and health of the department of [industrial relations] *safety, industrial insurance and enforcement* may promote safety in the liquefied petroleum gas industry within the state.

Sec. 17. Chapter 616 of NRS is hereby amended by adding thereto the provisions set forth as sections 18 and 19 of this act.

Sec. 18. *1. A self-insured employer who is aggrieved by a decision of the administrator relating to his certification may submit a written request for a hearing to the administrator within 10 days after receiving notice of the administrator's decision.*

2. If the employer requests a hearing pursuant to subsection 1:

(a) The administrator shall set a date for a hearing within 20 days after receiving the request and shall give the employer at least 10 business days' notice of the time and place of the hearing.

(b) A record of the hearing must be made and maintained, but it need not be transcribed unless the employer requests the transcription and pays the related costs.

(c) Within 5 business days after the hearing, the administrator shall either affirm or disaffirm the decision relating to his certification and give the employer written notice of his decision by certified mail.

Sec. 19. *1. If an employee of an employer who is insured by the system has a permanent physical impairment from any cause or origin and incurs a subsequent disability by injury arising out of and in the course of his employment which entitles him to compensation for a disability that is substantially greater by reason of the combined effects of the preexisting impairment and the subsequent injury than that which would have resulted from the subsequent injury alone, the compensation due must not be charged to the employer's account.*

2. If the subsequent injury of such an employee results in his death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, the compensation due must not be charged to the employer's account.

3. The manager may adopt regulations which are necessary to carry out the requirements of this section.

4. As used in this section, "permanent physical impairment" means any permanent condition, whether congenital or caused by injury or disease, of such seriousness as to constitute a hindrance or obstacle to obtaining employment or to obtaining reemployment if the employee is unemployed. For the purposes of this section, a condition is not a "permanent physical impairment" unless it would support a rating of permanent impairment of 6 percent or more of the whole man if evaluated according to the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented pursuant to NRS 616.427.

Sec. 20. NRS 616.026 is hereby amended to read as follows:

616.026 "Administrator" means the administrator of the division of industrial insurance regulation of the department of [industrial relations.] *safety, industrial insurance and enforcement.*

Sec. 21. NRS 616.051 is hereby amended to read as follows:

616.051 "Department" means the department of [industrial relations.] *safety, industrial insurance and enforcement.*

Sec. 22. NRS 616.052 is hereby amended to read as follows:

616.052 "Director" means the director of the department of [industrial relations.] *safety, industrial insurance and enforcement.*

Sec. 23. NRS 616.053 is hereby amended to read as follows:

616.053 "Division" means the division of industrial insurance regulation of the department of [industrial relations.] *safety, industrial insurance and enforcement.*

Sec. 24. NRS 616.112 is hereby amended to read as follows:

616.112 "Self-insured employer" means any employer who possesses a certification from the [commissioner of insurance] *administrator* that he has the capability to assume the responsibility for the payment of compensation [under] *pursuant to* this chapter or chapter 617 of NRS.

Sec. 25. NRS 616.182 is hereby amended to read as follows:

616.182 1. Except as otherwise provided in this section, the department [of industrial relations] shall regulate insurers under this chapter and chapter 617 of NRS and investigate insurers regarding compliance with statutes and the department's regulations.

2. The commissioner [of insurance] is responsible for reviewing rates, investigating the solvency of insurers and certifying [self-insured employers and] third-party administrators pursuant to NRS [616.291 to 616.298, inclusive, NRS 616.338] *616.301, 616.303 and 616.304* and chapter 683A of NRS.

3. The department of administration is responsible for administrative appeals relating to workers' compensation pursuant to NRS 616.541 to 616.544, inclusive. The system is responsible for administrative appeals pursuant to NRS 616.392.

4. The Nevada attorney for injured workers is responsible for legal representation of claimants pursuant to NRS 616.253 to 616.2539, inclusive.

5. The division [of industrial insurance regulation] is responsible for [the investigation of] *certifying self-insured employers pursuant to NRS 616.291 to 616.299, inclusive, and 616.338 and section 18 of this act, and investigating* complaints. If a complaint is filed with the division by an employee of a self-insured employer, or by a third-party administrator or provider of medical care regarding compliance of a self-insured employer with statutes or the department's regulations, the administrator shall cause to be conducted an investigation which includes a review of relevant records and interviews of affected persons.

6. If an investigation conducted pursuant to subsection 5 indicates that a self-insured employer has failed to comply with a statute or regulation, the administrator may order that an evidentiary hearing take place. Upon a finding that material noncompliance has occurred, the administrator shall impose a fine of not more than $1,000 against the self-insured employer. Two or more findings of material noncompliance within a 12-month period constitute grounds for the suspension of the self-insured employer's certification by the [commissioner of insurance.] *administrator.*

Sec. 26. NRS 616.187 is hereby amended to read as follows:

616.187 1. The director shall cause to be conducted at least every 3 years an audit of all insurers who provide benefits to injured employees pursuant to this chapter or chapter 617 of NRS. The director shall cause to be conducted each year on a random basis additional partial audits of any insurer who has a history of violations of the provisions of this chapter or chapter 617 of NRS, or the regulations adopted pursuant thereto, as determined by the director.

2. The director shall require the use of standard auditing procedures and shall establish a manual to describe the standard auditing procedures. The manual must include:

(a) Specific audit objectives;

(b) Standards for documentation;

(c) Policies for supervisory review;

(d) Policies for the training of auditors;

(e) The format for the audit report; and

(f) Procedures for the presentation, distribution and retention of the audit report.

3. [The commissioner and the director shall establish a procedure for sharing information between the department of insurance and the department concerning the qualifications of employers as self-insured employers pursuant to NRS 616.291.

4.] On or before March 1 of each year, the director shall make a report of each audit to the legislature, if it is in session, or to the interim finance committee if the legislature is not in session.

Sec. 27. NRS 616.221 is hereby amended to read as follows:

616.221 Except as otherwise provided in NRS *616.296,* 616.377 and 617.275, *and section 18 of this act,* any party who is aggrieved by a decision of the administrator may appeal that decision directly to the district court.

Sec. 28. NRS 616.2233 is hereby amended to read as follows:

616.2233 The system shall cooperate with the [commissioner] *administrator* in the performance of his duties pursuant to this chapter [,] and shall provide the [commissioner] *administrator* with any information, statistics or data in its records which pertain to any employer who is making application to become self-insured [,] or who is self-insured.

Sec. 29. NRS 616.228 is hereby amended to read as follows:

616.228 1. Any disciplinary action taken by a hearing officer or panel pursuant to NRS 616.425 is subject to the same procedural requirements which apply to disciplinary actions taken by the [commissioner or administrator,] *administrator* and the board or panel has the same powers and duties given to the [commissioner or] administrator in relation thereto.

2. A decision of the hearing officer or panel relating to the imposition of an administrative fine is a final decision in a contested case. Any party aggrieved by a decision of the officer or panel to withdraw the certification of a self-insured employer may appeal that decision to the [commissioner.] *administrator.*

Sec. 30. NRS 616.282 is hereby amended to read as follows:

616.282 1. The manager shall notify the state contractors' board within 10 days after the system becomes aware that a contractor's coverage has lapsed.

2. The [commissioner] *administrator* shall notify the state contractors' board within 10 days after a contractor's certificate of qualification as a self-insured employer is canceled or withdrawn.

Sec. 31. NRS 616.291 is hereby amended to read as follows:

616.291 1. An employer may qualify as a self-insured employer by establishing to the satisfaction of the [commissioner] *administrator* that the employer has sufficient administrative and financial resources to make certain the prompt payment of all compensation under this chapter or chapter 617 of NRS.

2. A self-insured employer must, in addition to establishing financial ability to pay, deposit with the [commissioner] *administrator* a bond executed by the employer as principal, and by a corporation qualified under the laws of this state as surety, payable to the State of Nevada, and conditioned upon the payment of compensation for injuries and occupational diseases to employees. The bond must be in an amount reasonably sufficient to ensure payment of compensation, but in no event may it be less than 105 percent of the employer's expected annual incurred cost of claims, or less than $100,000. In arriving at an amount for the expected annual cost of claims, due consideration must be given to the past and prospective experience of the employer with losses and expenses within this state, to the hazard of catastrophic loss, to other contingencies, and to trends within the state. In arriving at the amount of the deposit required, the [commissioner] *administrator* may consider the nature of the employer's business, the financial ability of the employer to pay compensation and his probable continuity of operation.

3. In lieu of a bond the employer may deposit with the [commissioner] *administrator* a like amount of lawful money of the United States or any

other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the [commissioner.] *administrator.*

4. The required deposit may be increased or decreased by the [commissioner in accordance with chapter 681B of NRS and his regulations for loss reserves in casualty insurance.] *administrator as reasonably necessary to ensure payment of compensation.* If the [commissioner] *administrator* requires an employer to increase his deposit, the [commissioner] *administrator* may specify the form of the additional security. The employer shall comply with such a requirement within 30 days after receiving notice from the [commissioner.] *administrator.*

5. The [commissioner] *administrator* shall require the self-insured employer to submit evidence of excess insurance to provide protection against a catastrophic loss. The excess insurance must be written by an insurer authorized to do business in this state. The [commissioner] *administrator* shall consider the excess insurance coverage as a basis for a reduction in the deposit required of an employer.

6. The account for self-insured employers is hereby created in the state agency fund for bonds. All money received by the [commissioner] *administrator* pursuant to this section must be deposited with the state treasurer to the credit of the account for self-insured employers. All claims against this account must be paid as other claims against the state are paid.

Sec. 32. NRS 616.292 is hereby amended to read as follows:

616.292 1. If a self-insured employer becomes insolvent, institutes any voluntary proceeding under the Bankruptcy Act or is named in any involuntary proceeding thereunder, makes a general or special assignment for the benefit of creditors or fails to pay compensation under this chapter or chapter 617 of NRS after an order for payment of any claim becomes final, the [commissioner] *administrator* may, after giving at least 10 days' notice to the employer and any insurer or guarantor, use money or interest on securities, sell securities or institute legal proceedings on surety bonds deposited or filed with the [commissioner] *administrator* to the extent necessary to make those payments. Until the [commissioner] *administrator* gives a 10-day notice pursuant to this subsection, the employer is entitled to all interest and dividends on bonds or securities on deposit and to exercise all voting rights, stock options and other similar incidents of ownership thereof.

2. A company providing a surety bond under NRS 616.291 may terminate liability on its surety bond by giving the [commissioner] *administrator* and the employer 90 days' written notice. The termination does not limit liability which was incurred under the surety bond before the termination. If the employer fails to requalify as a self-insured employer on or before the termination date, the employer's certification is withdrawn when the termination becomes effective.

Sec. 33. NRS 616.2925 is hereby amended to read as follows:

616.2925 1. The [commissioner] *administrator* may assess all self-insured employers to provide for claims against any insolvent self-insured employer.

2. All money received from such assessments must be deposited with the state treasurer to the credit of the account for insolvent self-insured employers, which is hereby created in the fund for workers' compensation and safety. Money in the account must be used solely to carry out the provisions of this section. All claims against the account must be paid as other claims against the state are paid. The state treasurer shall invest money in the account in the same manner and in the same securities in which he may invest money of the state general fund. Income realized from the investment of the assets in the account must be credited to the account.

Sec. 34. NRS 616.293 is hereby amended to read as follows:

616.293 1. Upon determining that an employer is qualified as a self-insured employer, the [commissioner] *administrator* shall issue a certificate to that effect to the employer . [and the administrator.]

2. Except as *otherwise* provided in NRS 616.2935, certificates issued under this section remain in effect until withdrawn by the [commissioner] *administrator* or canceled by the employer. Coverage for employers qualifying under NRS 616.272 becomes effective on the date of certification or the date specified in the certificate.

Sec. 35. NRS 616.2935 is hereby amended to read as follows:

616.2935 A self-insured employer shall notify the [commissioner] *administrator* not less than 60 days before any change in ownership or control of the employer. The certification of the self-insured employer terminates automatically on the date of the change unless the [commissioner] *administrator* extends the certification. The [commissioner,] *administrator,* upon request, may declare as confidential any documents which are submitted in support of a request for such an extension.

Sec. 36. NRS 616.294 is hereby amended to read as follows:

616.294 1. The [commissioner] *administrator* shall impose an administrative fine, not to exceed $1,000 for each violation, and:

(a) Shall withdraw the certification of a self-insured employer if:

(1) The deposit required pursuant to NRS 616.291 is not sufficient and the employer fails to increase the deposit after he has been ordered to do so by the [commissioner;] *administrator;* or

(2) The self-insured employer fails to provide evidence of excess insurance pursuant to NRS 616.291 within 45 days after he has been so ordered.

(b) May withdraw the certification of a self-insured employer if:

(1) The employer intentionally fails to comply with regulations of the [commissioner] *administrator* regarding reports or other requirements necessary to carry out the purposes of this chapter;

(2) The employer violates the provisions of subsection 2 of NRS 616.299 or any regulation adopted by the [commissioner or the] administrator concerning the administration of the employer's plan of self-insurance; or

(3) The employer becomes insolvent, institutes any voluntary proceeding under the Bankruptcy Act or is named in any involuntary proceeding thereunder, makes a general or special assignment for the benefit of creditors or fails to pay compensation after an order for payment of any claim becomes final.

2. Any employer whose certification as a self-insured employer is withdrawn must, on the effective date of the withdrawal, qualify as an employer pursuant to NRS 616.305.

Sec. 37. NRS 616.2945 is hereby amended to read as follows:

616.2945 The [commissioner] *administrator* shall impose an administrative fine, not to exceed $5,000, if an employer whose certification as a self-insured employer has terminated fails to pay compensation pursuant this chapter or chapter 617 of NRS after an order for payment of any claim becomes final.

Sec. 38. NRS 616.296 is hereby amended to read as follows:

616.296 1. Before any action may be taken pursuant to subsection 2, the [commissioner of insurance] *administrator* shall arrange an informal meeting with the self-insured employer to discuss and seek correction of any conduct which would be grounds for withdrawal of the self-insured employer's certificate of self-insurance.

2. Before the withdrawal of the certification of any self-insured employer, the [commissioner of insurance] *administrator* shall give written notice to that employer by certified mail that his certification will be withdrawn 10 days after receipt of the notice unless, within that time, the employer corrects the conduct set forth in the notice as the reason for the withdrawal or submits a written request for a hearing to the [commissioner of insurance.] *administrator pursuant to section 18 of this act.* Before requesting a hearing the employer must make the deposit required by NRS 616.291.

3. [If the employer requests a hearing:

(a) The commissioner of insurance shall set a date for a hearing within 20 days after receiving the appeal request, and shall give the employer at least 10 business days' notice of the time and place of the hearing.

(b) A record of the hearing must be kept but it need not be transcribed unless requested by the employer with the cost of transcription to be charged to the employer.

(c) Within 5 business days after the hearing, the commissioner of insurance shall either affirm or disaffirm the withdrawal and give the employer written notice thereof by certified mail. If withdrawal of certification is affirmed, the withdrawal becomes effective 10 business days after the employer receives notice of the affirmance unless within that period of time the employer corrects the conduct which was ground for the withdrawal or petitions for judicial review of the affirmance.

4.] If the withdrawal of certification is affirmed following judicial review, the withdrawal becomes effective 5 days after entry of the final decree of affirmance.

Sec. 39. NRS 616.303 is hereby amended to read as follows:

616.303 The commissioner shall impose an administrative fine, not to exceed $1,000 for each violation, and may withdraw the certification of any third-party administrator who:

1. Fails to comply with regulations of the [commissioner] *administrator* regarding reports or other requirements necessary to carry out the purposes of this chapter; or

2. Violates any provision of NRS 616.301 or any regulation adopted by the [commissioner or the] administrator concerning the administration of the employer's plan of self-insurance.

Sec. 40. NRS 616.323 is hereby amended to read as follows:

616.323 1. If for any reason the status of an employer as a self-insured employer is terminated, the security deposited under NRS 616.291 must remain on deposit for a period of at least 36 months in such amount as necessary to secure the outstanding and contingent liability arising from accidental injuries or occupational diseases secured by such security, or to assure the payment of claims for aggravation and payment of claims under NRS 616.545 based on such accidental injuries or occupational diseases.

2. At the expiration of the 36-month period, or such other period as the [commissioner of insurance] *administrator* deems proper, the [commissioner of insurance] *administrator* may accept in lieu of any security so deposited a policy of paid-up insurance in a form approved by the [commissioner of insurance.] *administrator.*

Sec. 41. NRS 616.338 is hereby amended to read as follows:

616.338 1. Each self-insured employer shall furnish audited financial statements, certified by an auditor licensed to do business in this state, to the [commissioner of insurance] *administrator* annually.

2. The [commissioner of insurance] *administrator* may examine the records and interview the employees of each self-insured employer as often as he deems advisable to determine the adequacy of the deposit which the employer has made with the [commissioner,] *administrator,* the sufficiency of reserves and the reporting, handling and processing of injuries or claims. The [commissioner] *administrator* shall examine the records for that purpose at least once every 3 years. The self-insured employer shall reimburse the [commissioner] *administrator* for the cost of the examination.

Sec. 42. NRS 616.425 is hereby amended to read as follows:

616.425 1. Except as otherwise provided in subsection 3, all premiums, contributions, penalties, bonds, securities and all other properties received, collected or acquired by the system pursuant to the terms of this chapter:

(a) Must be credited on the records of the system to the state insurance fund.

(b) Constitute, for the purpose of custody thereof, the state insurance fund, which must be held by the manager as custodian thereof for the benefit of employees and their dependents within the provisions of this chapter. The manager is liable on his official bond for the faithful performance of his custodial duty.

2. The [commissioner or the] administrator may delegate to a hearing officer or panel his authority to take any disciplinary action pursuant to NRS 616.294, 616.2945 or 616.647, impose and collect administrative fines pursuant to those sections and deposit the money in the fund for workers' compensation and safety.

3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the [commissioner or the] administrator deposits the money collected from the imposition of administrative fines with the state treasurer for credit to the state general fund, he may present a claim to the state board of examiners for recommendation to the interim finance committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 43. NRS 616.4261 is hereby amended to read as follows:

616.4261 1. There is hereby established as a trust fund in the state treasury the subsequent injury fund, which may be used only to make payments in accordance with the provisions of NRS 616.427 and [NRS] 616.428. The administrator shall administer the fund.

2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the administrator for the subsequent injury fund must be delivered to the custody of the state treasurer.

3. All money and securities in the fund must be held in trust by the state treasurer as custodian thereof to be used solely for workers' compensation.

4. The state treasurer may disburse money from the fund only upon written order of the state controller.

5. The state treasurer shall invest money of the fund in the same manner and in the same securities in which he is authorized to invest state general funds which are in his custody. Income realized from the investment of the assets of the fund must be credited to the fund.

6. The director must adopt regulations for the establishment and administration of assessment rates, payments and penalties. Assessment rates must reflect the relative hazard of the employments covered by [the insurers,] *self-insured employers,* and must be based upon expected annual expenditures for claims. *The system must not be required to pay any assessments, payments or penalties into the subsequent injury fund, or any costs associated with the fund.*

7. The commissioner shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the commissioner 30 days before their effective date. Any [insurer] *self-insured employer* who wishes to appeal the rate so filed must do so pursuant to NRS 679B.310.

Sec. 44. NRS 616.427 is hereby amended to read as follows:

616.427 Except as otherwise provided in NRS 616.428:

1. If an employee [who] *of a self-insured employer* has a permanent physical impairment from any cause or origin *and* incurs a subsequent disability by injury arising out of and in the course of his employment which entitles him to compensation for disability that is substantially greater by reason of the combined effects of the preexisting impairment and the subse-

quent injury than that which would have resulted from the subsequent injury alone, the compensation due must be charged to the subsequent injury fund in accordance with regulations adopted by the administrator.

2. If the subsequent injury of such an employee results in his death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, the compensation due must be charged to the subsequent injury fund in accordance with regulations adopted by the administrator.

3. As used in this section, "permanent physical impairment" means any permanent condition, whether congenital or caused by injury or disease, of such seriousness as to constitute a hindrance or obstacle to obtaining employment or to obtaining reemployment if the employee is unemployed. For the purposes of this section, a condition is not a "permanent physical impairment" unless it would support a rating of permanent impairment of 6 percent or more of the whole man if evaluated according to the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the department. The department shall adopt regulations incorporating the American Medical Association's Guides to the Evaluation of Permanent Impairment by reference and may amend such regulations from time to time as it deems necessary. In adopting the Guides to the Evaluation of Permanent Impairment, the department shall consider the edition most recently published by the American Medical Association.

4. To qualify under this section for reimbursement from the subsequent injury fund, the [insurer] *self-insured employer* must establish by written records that the *self-insured* employer had knowledge of the "permanent physical impairment" at the time the employee was hired or that the employee was retained in employment after the *self-insured* employer acquired such knowledge.

5. [An insurer] *A self-insured employer* shall notify the administrator of any possible claim against the subsequent injury fund as soon as practicable, but not later than 100 weeks after the injury or death.

6. The administrator shall adopt regulations establishing procedures for submitting claims against the subsequent injury fund. The administrator shall notify the [insurer] *self-insured employer* of his decision on such a claim within 90 days after the claim is received.

7. An appeal of any decision made concerning a claim against the subsequent injury fund must be submitted directly to the appeals officer. The appeals officer shall hear such an appeal within 45 days after the appeal is submitted to him.

Sec. 45. NRS 616.428 is hereby amended to read as follows:

616.428 1. [An insurer] *A self-insured employer* who pays compensation due to an employee who has a permanent physical impairment from any cause or origin and incurs a subsequent disability by injury arising out of and in the course of his employment which entitles him to compensation for disability that is substantially greater by reason of the combined effects of

the preexisting impairment and the subsequent injury than that which would have resulted from the subsequent injury alone is entitled to be reimbursed from the subsequent injury fund if:

(a) The employee knowingly or willfully made a false representation as to his physical condition at the time he was hired by the *self-insured* employer;

(b) The *self-insured* employer relied upon the false representation and this reliance formed a substantial basis of the employment; and

(c) A causal connection existed between the false representation and the subsequent disability.

If the subsequent injury of the employee results in his death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, any compensation paid is entitled to be reimbursed from the subsequent injury fund.

2. [An insurer] *A self-insured employer* shall notify the administrator of any possible claim against the subsequent injury fund pursuant to this section no later than 60 days after the date of the subsequent injury or the date the [insurer] *self-insured employer* learns of the employee's false representation, whichever is later.

Sec. 46. NRS 616.647 is hereby amended to read as follows:

616.647 1. [If] *Except as otherwise provided in NRS 616.294, if* the administrator has reason to believe that an insurer, health care provider, third-party administrator or employer has:

(a) Induced a claimant for compensation to fail to report an accidental injury or occupational disease;

(b) Persuaded a claimant to settle for an amount which is less than reasonable;

(c) Persuaded a claimant to settle for an amount which is less than reasonable while a hearing or an appeal is pending;

(d) Persuaded a claimant to accept less than the compensation found to be due him by a hearing officer or appeals officer;

(e) Refused to pay or unreasonably delayed payment to a claimant of compensation found to be due him by a hearing officer or appeals officer;

(f) Made it necessary for a claimant to resort to proceedings against the employer or insurer for compensation found to be due him by a hearing officer or appeals officer;

(g) Failed to comply with regulations of the department for the acceptance and rejection of claims, determination and calculation of a claimant's average monthly wage, determination and payment of compensation, delivery of accident benefits and reporting relating to these matters;

(h) Failed to comply with the department's regulations covering the payment of an assessment relating to the funding of costs of administration of this chapter and chapter 617 of NRS; or

(i) Failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 617 of NRS,

the administrator shall set a date for a hearing. The date must be no sooner than 30 days after notice is served upon the insurer or employer of the alleged action and the time and place of the hearing.

2. If, after an evidentiary hearing, the administrator determines that the insurer or employer has committed the alleged act, the administrator shall issue a notice of violation imposing a proposed administrative fine of:

(a) Not more than $250 for each initial violation of subsection 1 which was not intentional; or

(b) Not more than $1,000 for each intentional or repeated violation of subsection 1.

3. In addition to any fine imposed pursuant to subsection 2, the administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures used to calculate an assessment an administrative penalty of up to twice the amount of any underpaid assessment.

4. If a person wishes to contest a notice of violation issued pursuant to subsection 2, he must file a notice of appeal with the division within 30 days after the notice is issued, showing why the proposed fine should not be imposed against him.

5. If a notice of appeal is filed as required by subsection 4, the administrator shall issue a complaint setting forth the factual basis for his determination that a violation has occurred. The person against whom a complaint is issued shall file an answer to the complaint within 30 days after the complaint is issued. The answer must be accompanied by any documentary evidence upon which the person relies and, if the person desires a hearing on the matter, by a request for hearing. If an answer and a request for hearing are filed as required by this subsection, the administrator shall set a date for a hearing on the matter, which must be no sooner than 30 days after the answer and request for hearing are filed.

6. If a notice of appeal or an answer is not filed as required by this section, the notice of violation shall be deemed a final order and is not subject to review by any court or agency.

7. [A] *Except as otherwise provided in NRS 616.425, a* hearing held pursuant to this section must be conducted by the administrator or a person designated by him. A record of the hearing must be kept but it need not be transcribed unless it is requested by the person against whom the order or notice of violation has been issued and that person pays the cost of transcription.

8. An administrative fine imposed pursuant to this section must be paid to the division. If the violation for which the fine is levied was committed by a person while acting within the course and scope of his agency or employment, the fine must be paid by his principal or employer. The fine may be recovered in a civil action brought in the name of the division in a court of competent jurisdiction in the county in which the violation occurred or in which the person against whom the fine is levied has his principal place of business.

9. Two or more fines of $1,000 levied by the administrator in 1 year for acts enumerated in subsection 1 must be considered by the [commissioner] *administrator* as evidence for the revocation of a certificate of self-insurance.

10. The [commissioner] *administrator* may withdraw the certification of a self-insured employer if, after a hearing, it is shown that the self-insured employer:

(a) Intentionally or repeatedly violated the provisions of paragraph (g) of subsection 1; or

(b) Violated any other provision of subsection 1.

Sec. 47. NRS 617.160 is hereby amended to read as follows:

617.160 This chapter must be administered by the department of [industrial relations] *safety, industrial insurance and enforcement* through the division of industrial insurance regulation in the same manner as provided for in chapter 616 of NRS.

Sec. 48. NRS 618.055 is hereby amended to read as follows:

618.055 "Department" means the department of [industrial relations.] *safety, industrial insurance and enforcement.*

Sec. 49. NRS 618.065 is hereby amended to read as follows:

618.065 "Director" means the director of the department of [industrial relations.] *safety, industrial insurance and enforcement.*

Sec. 50. NRS 618.069 is hereby amended to read as follows:

618.069 "Division" means the division of enforcement for industrial safety and health of the department of [industrial relations.] *safety, industrial insurance and enforcement.*

Sec. 51. NRS 618.336 is hereby amended to read as follows:

618.336 1. The division shall maintain a record of all oral complaints it receives under this chapter from employees or representatives of employees. The record must include a summary of the substance of each such complaint, a listing of any evidence offered to support the complaint, the date the employer was notified of the complaint and a notation of the action taken by the division as a result of the complaint. The division shall submit the record quarterly to the [advisory council] *board of industrial regulation* of the department for review and comment.

2. In addition to the records maintained pursuant to subsection 1, the division shall maintain a separate logbook which contains a notation of:

(a) Each oral or written complaint filed by an employee or a representative of employees alleging the existence of an imminent danger or a violation of a safety or health standard that threatens physical harm;

(b) The action taken by the division in response to each such complaint, including, as the case may be, a notation of the fact that:

(1) A special investigation was not made because the complaint was found to be groundless after a preliminary investigation;

(2) A special investigation was made which resulted in a finding that the complaint was based on reasonable grounds and the division took such action as was deemed appropriate; or

(3) A special investigation was made which resulted in a finding that the complaint was not based on reasonable grounds;

(c) Each citation issued by the division to an employer and the reason for its issuance;

(d) Each inspection performed regarding the employer; and

(e) Each penalty imposed by the division on an employer and the reason therefor.

3. The division shall respond to oral or written requests about the information contained in or compiled from the logbook and otherwise act as necessary to disseminate the information which is required to be compiled pursuant to this section. The logbook maintained pursuant to subsection 2 must be open to public inspection during the division's regular hours of operation.

4. The division shall retain the records pertaining to its investigations and the records entered in the logbook maintained pursuant to this section for at least 5 years.

Sec. 52. NRS 618.345 is hereby amended to read as follows:

618.345 1. The division of [preventative] *training and* safety of the department [of industrial relations] shall develop and maintain an effective program of collection, compilation and analysis of occupational safety and health statistics. This program may, at the discretion of the department, cover all employments.

2. To carry out the provisions of subsection 1, the division of [preventative] *training and* safety may promote, encourage or directly engage in programs of studies, information and communication concerning occupational safety and health statistics.

3. An industrial insurer shall provide to the division of [preventative] *training and* safety a monthly report indicating the number, type and severity of industrial injuries and occupational diseases reported or claimed by employees in the preceding month. The report must identify the employer and be sorted according to the employer's Standard Industrial Classification or his classification for the purposes of industrial insurance. The division of [preventative] *training and* safety shall by regulation prescribe the form for the report made pursuant to this subsection. As used in this subsection, "industrial insurer" has the meaning ascribed to the term "insurer" in NRS 616.1103.

Sec. 53. NRS 618.350 is hereby amended to read as follows:

618.350 The division of [preventative] *training and* safety of the department [of industrial relations] shall:

1. Develop a program of eliminating or abating hazards;

2. Advise and recommend a program of occupational safety and health applicable to public and state agencies; and

3. Provide for safety inspections and furnish advisory services to employers on measures to promote industrial safety and health.

Sec. 54. NRS 618.353 is hereby amended to read as follows:

618.353 1. The division of [preventative] *training and* safety of the department , [of industrial relations,] after consultation with cooperating state agencies, shall:

(a) Conduct directly or by grants or contracts:

(1) Educational programs to provide an adequate supply of qualified personnel to carry out the purposes of this chapter.

(2) Informational programs on the importance of and proper use of adequate safety and health equipment in the workplace.

(b) Provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance and prevention of unsafe or unhealthful working conditions in employments covered by this chapter.

(c) Consult with and advise employers and employees and organizations representing employers and employees as to effective means of preventing occupational injuries and diseases. Consultative services must not detract from the enforcement efforts.

2. The department shall request competitive bids for the development of educational and informational programs required by this section.

3. The department shall allocate to the division of [preventative] *training and* safety the money necessary to carry out the educational and informational programs required by this section.

Sec. 55. NRS 618.376 is hereby amended to read as follows:

618.376 1. Every employer shall, upon hiring an employee, provide the employee with a document or videotape setting forth the rights and responsibilities of employers and employees to promote safety in the workplace. The document, or evidence of receipt of the videotape, must be signed by the employer and employee and placed in the employee's personnel file. The document or videotape shall not be deemed to be a part of any employment contract.

2. The division of [preventative] *training and* safety of the department [of industrial relations] shall adopt regulations specifying the contents of such a document and establishing requirements for issuing the document in different languages.

Sec. 56. NRS 618.383 is hereby amended to read as follows:

618.383 1. An employer shall establish a written safety program if he has a rate of occupational injury and illness that is in the highest 25 percent in this state for his standard industrial classification.

2. The written safety program must include:

(a) The establishment of a training program for employees concerning safety in the workplace, particularly in those areas where there have been recurring injuries.

(b) The establishment of a safety committee which includes, whenever possible, an equal number of representatives of employees and employers. If the employees are represented by a labor organization, the representatives of employees must be selected by the employees and not appointed by the employer.

(c) Training on identifying potential hazards in the workplace.

(d) The review and application of state and federal statutes, regulations and standards concerning occupational safety and health.

(e) A requirement for the periodic consultation of the employer with the division of enforcement for industrial safety and health of the department.

3. A representative of employees while engaging in the business of a safety committee, including attendance at meetings, inspections or any other activity of the committee, must be paid by his employer as if that employee were engaged in his usual work activities.

4. The administrator of the division of [preventative] *training and* safety of the department shall develop and provide each employer with a written manual which includes:

(a) Information concerning safety, health and emergencies in the workplace, and the establishment of a training program for employees with regard to those matters;

(b) A listing and description of safe work practices; and

(c) Guidelines for the establishment of a safety committee.

5. Any other employer may establish a written safety program and a safety committee.

6. An employer who has a rate of occupational injury and illness that is in the highest 25 percent in this state for his standard industrial classification, who employs 25 or more persons and who hires temporary employees shall hold a meeting and provide specialized training concerning safety for those temporary employees before they begin work at each site or as soon as possible thereafter.

7. The manager of the state industrial insurance system shall increase by 3 percent the premium of any employer who violates the provisions of subsection 1, and shall transfer any additional premium received by him pursuant to this subsection to the department for use by the division of [preventative] *training and* safety.

8. The administrator of the division of enforcement for industrial safety and health may grant an exemption from any of the provisions of this section to an employer who has a rate of occupational injury and illness that is in the lowest 25 percent of all employers in this state.

Sec. 57. NRS 618.565 is hereby amended to read as follows:

618.565 1. The occupational safety and health review board, consisting of five members appointed by the governor, is hereby created [under] *within* the department . [of industrial relations.]

2. The governor shall appoint:

(a) Two members who are representatives of management.

(b) Two members who are representatives of labor.

(c) One member who is a representative of the general public.

3. After the initial terms, members shall serve terms of 4 years. No member may serve more than two terms.

4. No person employed by the department or the division may serve as a member of the board.

Sec. 58. NRS 624.256 is hereby amended to read as follows:

624.256 Before granting an original or renewal of a contractor's license to any applicant who has one or more employees, the board shall require that the applicant submit to the board:

1. Proof of industrial insurance and insurance for occupational diseases which covers his employees; or

2. A copy of his certificate of qualification as a self-insured employer which was issued by the [commissioner of insurance.] *administrator of the division of industrial insurance regulation of the department of safety, industrial insurance and enforcement.*

Sec. 59. NRS 616.298 is hereby repealed.

Sec. 60. 1. The terms of the members of the advisory council of the department of industrial insurance expire on July 1, 1993.

2. As soon as practicable after the effective date of this act, the governor shall appoint members to the board of industrial regulation pursuant to NRS 232.570, as that section is amended by this act.

Sec. 61. An employer who is certified as a self-insured employer by the commissioner of insurance before July 1, 1993, shall be deemed to be certified as a self-insured employer by the administrator of the division of industrial insurance regulation of the department of safety, industrial insurance and enforcement.

Sec. 62. 1. Payments for compensation made from the subsequent injury fund for any claim filed by an injured employee insured by the state industrial insurance system must terminate on the effective date of this section, and any future charges for such a claim must be made by the system pursuant to the procedures established pursuant to section 19 of this act.

2. As soon as practicable after the effective date of this section, the director of the department of safety, industrial insurance and enforcement shall cause to be conducted an audit of the subsequent injury fund and return to the state industrial insurance system any excess money in the fund in an amount equal to the system's portion of the assessments paid into the fund pursuant to NRS 616.4261. Any money received by the system pursuant to this subsection must be deposited in the state insurance fund.

Sec. 63. In preparing the reprint of the Nevada Revised Statutes, the legislative counsel shall:

1. Change any reference to the "department of industrial relations" to refer to the "department of safety, industrial insurance and enforcement" in any section which is not amended by this act or is further amended by another act;

2. Change any reference to the "division of preventative safety" of the department of industrial relations to refer to the "division of training and safety" in any section which is not amended by this act or is further amended by another act;

3. Change any reference to the "advisory council" in the department of industrial regulation to refer to the "board of industrial regulation" in any section which is not amended by this act or is further amended by another act; and

4. Make such other revisions as are necessary to correct any reference in such a section which is made obsolete by the amendatory provisions of this act.

Sec. 64. This act becomes effective on July 1, 1993.

TEXT OF REPEALED SECTION

616.298 Self-insured employer may appeal decision of commissioner.

Any self-insured employer who is aggrieved by a decision of the commissioner of insurance may appeal in the manner set forth in NRS 679B.310, except that any such appeal must be filed within the time set forth in NRS 616.296."

Amend the title of the bill to read as follows:

"An Act relating to the department of industrial relations; changing the name of the department and the division of preventative safety of the department; changing the name of advisory council of the department to the board of industrial regulation; providing for the membership of the board; giving certain additional powers and duties to the board; authorizing the administrator of the division of industrial insurance of the department to certify self-insured employers; limiting the application of the subsequent injury fund to self-insured employers; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting: "duties and organization of".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 706.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 786.

Amend sec. 3, page 1, line 6, by deleting: "*A board of county commissioners*" and inserting: "*The board of county commissioners of a county whose population is 400,000 or more*".

Amend sec. 5, page 2, by deleting lines 28 through 30.

Amend the bill as a whole by adding a new section designated sec. 10, following sec. 9, to read as follows:

"Sec. 10. NRS 244.3359 is hereby amended to read as follows:

244.3359 1. A county whose population is 400,000 or more shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991, except pursuant to NRS 244.3351 [.] *or sections 2 to 9, inclusive, of this act.*

2. A county whose population is 100,000 or more but less than 400,000 shall not impose a new tax on the rental of transient lodging or increase the rate of an existing tax on the rental of transient lodging after March 25, 1991.

3. The legislature hereby declares that the limitation imposed by subsection 2 will not be repealed or amended except to allow the imposition of an increase in such a tax for the promotion of tourism or for the construction or operation of tourism facilities by a convention and visitors authority.".

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblyman Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 719.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 167.

Bill read second time and ordered to third reading.

Senate Bill No. 310.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 817.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 233B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, each agency which submits a regulation for examination and revision pursuant to subsection 1 or 2 of NRS 233B.067 shall reimburse the legislative counsel bureau for the cost of the examination and revision. The legislative commission shall establish the amount of reimbursement required pursuant to this subsection.

2. The reimbursement required pursuant to subsection 1:

(a) Must be an hourly fee for each hour spent by employees of the legal division of the legislative counsel bureau in examining and revising the regulation. The hourly fee must not exceed the average hourly salary of the persons whose salaries are reimbursed pursuant to this section.

(b) Must be established at a rate calculated to generate the amount approved in the budget of the legislative counsel bureau for such reimbursement.

(c) Must not be charged to agencies whose budgets are supported entirely from the state general fund.".

Amend sec. 2, page 2, line 9, by deleting "June 15," and inserting "July 1,".

Amend the title of the bill, first line, after "regulations;" by inserting: "requiring the reimbursement of the legislative counsel bureau for the examination and revision of proposed permanent regulations;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to legislative review of administrative regulations. (BDR 18-147)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced the appointment of Assemblymen Augustine and Perkins as a committee to review the status of the Conference Committees.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 143.

The following Senate amendment was read:

Amendment No. 631.

Amend sec. 2, page 2, line 12, by deleting "[three or]" and inserting "three or".

Amend sec. 3, page 2, line 23, by deleting "*two*" and inserting "*a minority*".

Amend sec. 3, page 2, line 25, by deleting "*three*" and inserting "*the remainder*".

Amend sec. 4, page 2, line 35, by deleting "*$6,000*" and inserting "*$3,600*".

Amend the bill as a whole by deleting sec. 6 and renumbering sec. 7 as sec. 6.

Amend the title of the bill, first and second lines, by deleting: "increasing the number of members on the board of directors of certain districts;".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 143.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 80.

The following Senate amendments were read:

Amendment No. 375.

Amend sec. 2, page 1, by deleting lines 21 and 22 and inserting:

"*5. "Value" means the most probable price which a property would bring in a competitive and open market under the conditions of a fair sale, without the price being affected by undue stimulus, whereby the sale is consummated on a specified date and the title to the property is passed from the seller to the buyer under the following conditions:*

(a) The buyer and seller are acting prudently and knowledgeably;

(b) The buyer and seller are typically motivated;

(c) The buyer and seller are well informed or well advised and acting in what they consider are their own best interests;

(d) A reasonable time is allowed to expose the property for sale on the open market;

(e) Payment is made with United States dollars in cash or pursuant to another financial arrangement comparable thereto; and

(f) The sale price represents the normal consideration for the property and is unaffected by special or creative financing or sales concessions granted by any person associated with the sale.".

Amendment No. 692.

Amend section 1, page 1, by deleting lines 3 through 10 and inserting:

"*1. Except as otherwise provided in subsection 2, if the property is subject to condemnation as a result of a public work or public improvement, any decrease or increase in the fair market value of the property before the date of valuation which is caused by:*

(a) The public work or public improvement for which the property is acquired; or

(b) The likelihood that the property would be acquired for such a purpose,

must be disregarded when assessing the value of the property pursuant to NRS 37.110.

2. Any decrease or increase in the fair market value of the property before the date of valuation resulting from physical deterioration within the reasonable control of the owner is not required to be disregarded pursuant to subsection 1.".

Assemblyman Sader moved that the Assembly concur in the Senate amendments to Assembly Bill No. 80.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 316.

The following Senate amendment was read:

Amendment No. 609.

Amend section 1, page 1, line 2, by deleting "$3,389,471" and inserting "$3,445,141".

Amend section 1, page 1, line 3, by deleting "half-time" and inserting "certain overtime".

Amend section 1, page 1, line 6, by deleting "$2,231,866." and inserting "$2,263,619.".

Amend section 1, page 1, line 10, by deleting "half-time" and inserting "certain overtime".

Amend section 1, page 1, line 12, by deleting "$449,995." and inserting "$458,912.".

Amend section 1, page 1, between lines 12 and 13, by inserting:

"(d) For the payment of the plaintiffs' attorneys' fees in the *Benzler v. State of Nevada* case, $15,000.".

Amend section 1, page 1, line 20, by deleting: "$344,468 for half-time" and inserting: "$346,155 for certain overtime".

Amend section 1, page 1, by deleting line 25 and inserting: "4. Payment for certain overtime costs incurred in".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 316.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 66; Senate Bills Nos. 145, 282, 306, 492.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Pete Bengochea, Douglas Byington, Julius Conigliario, Don Crosby, James Edmundson, Clarence Eiche, Myron Goldsworthy, Les Groth, Donn Hackett, Al Johns, Terry Jones, Robert Johnston, Wally Kurtz, Arnold Martin, Minard Maus, Leon Menke, Jack Milligan, Phil McKinnon, Jake Noel, Harry Poe, Reno Ratti, William Rohrer, Frank Rosaschi, Ray Tennant, Alton Willard, Mss. Lillian Bergevin, Fran Bradley, Audrey Brooks, Martha Coon, Evelyn Di Pietro, Patricia Fladager, Fay Guldager, Mary Goldsworthy, Marie Grundy, Kathryn Howell, Gay Johnson, Mary MacKay, Dorothy O'Boyle, Christine Opolka, Lucy Phillipi, Irene Poe, Roberta Redican, Shirley Robson, Margaret Rowe, Florence Robinson, Bertha Shipley, Betty Squires, Margaret Thomas and Mildred Willard.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Ray Clifton.

Assemblyman Bennett moved that the Assembly adjourn until Friday, June 11, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:14 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FORTY-FIFTH DAY

CARSON CITY (Friday), June 11, 1993

Assembly called to order at 11:28 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present except Assemblyman Haller, who was excused.

Prayer by the Chaplain, Brother Dave West.

Our Father in Heaven, we thank Thee for the freedom, liberty and right to pursue happiness that Thou has given to us as Americans, living in this beautiful country. We thank Thee for good men and women who give of their time, talents, energy and often their money to preserve the ideals upon which our country is founded.

We ask that Thou wilt grant to our legislators, here assembled, wisdom and integrity so that the citizens of our state may be served well. Please bless us and help us to have the courage to uphold truth. We pray for these things in the name of Jesus Christ.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Bennett moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 468, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 309, 363, 441, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 678; Senate Bill No. 155, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bill No. 602; Senate Bill No. 400, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 16, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 10, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 523.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 68, 70.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 190.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 210.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 190.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 578.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 539.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend sec. 2, page 1, by deleting lines 3 through 5 and inserting:

"Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The state board shall, by regulation, establish a course of study in adult roles and responsibilities. The course of study must be designed to prepare pupils for".

Amend sec. 2, page 1, line 9, after "*administrators,*" by inserting: "*licensed school counselors,*".

Amend sec. 2, page 2, between lines 3 and 4, by inserting:

"*3. The instruction required by this section:*

(a) Must be made available to each pupil at some time after his completion of grade 5 and before his completion of grade 12; and

(b) May be included as a part of an existing course of study or presented as a separate course of study.".

Amend the bill as a whole by deleting sections 3 and 4 and adding a new section designated sec. 2, following sec. 2, to read as follows:

"Sec. 2. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"An Act relating to education; requiring the state board of education to establish a course of study in adult roles and responsibilities; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires state board of education to establish course of study in adult roles and responsibilities. (BDR 34-1210)".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 466.

Bill read second time.

The following amendment was proposed by Assemblyman Bonaventura:

Amendment No. 849.

Amend section 1, page 1, by deleting lines 3 through 7 and inserting: "person of full age who commits [the infamous crime against nature shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years.

2. The "infamous crime against nature" means anal intercourse, cunnilingus or fellatio between consenting adults of the same sex.] *anal intercourse, cunnilingus or fellatio is guilty of a gross misdemeanor.*".

Amend the title of the bill, first line, by deleting: "conduct in public;" and inserting: "conduct; providing a penalty;".

Amend the summary of the bill, first line, by deleting: "conduct in public." and inserting "conduct.".

Assemblyman Bonaventura moved the adoption of the amendment.

Remarks by Assemblymen Bonaventura, Sader, Arberry and Augustine.

Assemblyman Bonaventura requested a roll call on the motion to adopt Amendment No. 849.

Request not sustained.

Amendment lost.

Bill ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that Assembly Bill No. 177 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 719 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 393 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 167 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 233.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 233:

YEAS—39.

NAYS—None.

Absent—Haller.

Not voting—Scherer, Mr. Speaker—2.

Assembly Bill No. 233 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 262.

Bill read third time.

Remarks by Assemblyman Heller.

Roll call on Assembly Bill No. 262:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 262 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that Senate Bill No. 335 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Price.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 349.
Bill read third time.
Remarks by Assemblyman Sader.
Roll call on Assembly Bill No. 349:

YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 349 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 360.
Bill read third time.
Remarks by Assemblyman Sader.
Roll call on Assembly Bill No. 360:

YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 360 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 406.
Bill read third time.
Remarks by Assemblyman Spitler.
Roll call on Assembly Bill No. 406:

YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 406 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 408.
Bill read third time.
Remarks by Assemblymen Chowning and Evans.
Roll call on Assembly Bill No. 408:

YEAS—40.
NAYS—None.
Absent—Haller.
Not voting—Lambert.

Assembly Bill No. 408 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 463 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 459.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Assembly Bill No. 459:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 459 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 543.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 543:

YEAS—34.

NAYS—Anderson, Bache, Collins, de Braga, Giunchigliani, Lambert, Smith—7.

Absent—Haller.

Assembly Bill No. 543 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 604.

Bill read third time.

The following amendment was proposed by Assemblyman Smith:

Amendment No. 832.

Amend sec. 4, page 2, by deleting lines 25 and 26.

Assemblyman Smith moved the adoption of the amendment.

Remarks by Assemblymen Smith and Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 609.

Bill read third time.

Remarks by Assemblymen Spitler and Bache.

Roll call on Assembly Bill No. 609:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 609 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 654.
Bill read third time.
Remarks by Assemblyman Toomin.
Roll call on Assembly Bill No. 654:
YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 654 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 222.
Bill read third time.
Remarks by Assemblyman Spitler.
Roll call on Senate Bill No. 222:
YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 222 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 351.
Bill read third time.
Remarks by Assemblyman Hettrick.
Roll call on Senate Bill No. 351:
YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 351 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 382.
Bill read third time.
Remarks by Assemblyman Spitler.
Roll call on Senate Bill No. 382:
YEAS—38.
NAYS—Schneider, Mr. Speaker—2.
Absent—Haller.
Not voting—Wendell Williams.

Senate Bill No. 382 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 388.
Bill read third time.
Remarks by Assemblyman Bennett.

Roll call on Senate Bill No. 388:

YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 388 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 393.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Senate Bill No. 393:

YEAS—40.
NAYS—None.
Absent—Haller.
Not voting—Mr. Speaker.

Senate Bill No. 393 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Giunchigliani moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:15 p.m.

ASSEMBLY IN SESSION

At 12:18 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 618, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 436.

The following Senate amendment was read:

Amendment No. 690.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section, information obtained from any employing unit or person pursuant to the administration

of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or his legal representative is entitled to information from the records of the employment security department, to the extent necessary for the proper presentation of his claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the employment security department for any other purpose.

3. Subject to such restrictions as the executive director may by regulation prescribe, [such] *the* information *obtained by the employment security department* may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of an unemployment compensation law, public assistance law, workman's compensation or labor law, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support; or

(c) The Internal Revenue Service of the Department of the Treasury.

Information obtained in connection with the administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. The executive director may *publish or otherwise* provide information on the names of employers, their [geographic locations,] *addresses,* their type or class of business or industry, and the approximate number of employees employed by each *such* employer [to the commission on economic development for its use] *, if the information released will assist unemployed persons obtain employment or will be generally useful* in developing and diversifying the economic interests of this state. *Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this state, the executive director may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The executive director may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The executive director may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.*

5. Upon request therefor the executive director shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

6. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this state may submit a written request to

the executive director that he furnish, from the records of the employment security department, the name, address and place of employment of any person listed in the records of employment of the department. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the executive director shall furnish the information requested. He may charge a [reasonable] fee to cover *the actual costs of* any related administrative expenses.

7. The *provisions of subsection 4 notwithstanding, the* executive director shall provide lists containing the names and addresses of employers, the number of employees employed by each employer and the total wages paid by each employer to the department of taxation, upon request, for use in verifying returns for the business tax. The executive director may charge a [reasonable] fee to cover *the actual costs of* any related administrative expenses.

8. The manager of the state industrial insurance system may submit to the executive director a list of each person who received benefits pursuant to chapter 616 or 617 of NRS during the preceding month and request that he compare the information so provided with the records of the employment security department regarding persons claiming benefits pursuant to chapter 612 of NRS for the same period. The information submitted by the manager must be in a form determined by the executive director and must contain the social security number of each such person. Upon receipt of such a request, the executive director shall make such a comparison and provide to the manager a list of the name, address and social security number of each person who appears, from the information submitted, to be simultaneously claiming benefits under chapter 612 of NRS and under chapter 616 or 617 of NRS. The executive director shall charge a [reasonable] fee to cover *the actual costs of* any related administrative expenses. The manager shall use the information obtained pursuant to this subsection only to further a current investigation. The manager shall not disclose the information for any other purpose.

9. The executive director may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in Section 3305(c) of the Internal Revenue Code of 1954.

10. If any employee or member of the board of review or the executive director or any employee of the executive director, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he is guilty of a gross misdemeanor.

11. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the employment security department or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.".

Amend the bill as a whole by renumbering sec. 3 as sec. 6 and adding new sections designated sections 4 and 5, following sec. 2, to read as follows:

"Sec. 4. NRS 612.375 is hereby amended to read as follows:

612.375 1. [An] *Except as otherwise provided in subsection 2 of NRS 612.3774, an* unemployed person is eligible to receive benefits with respect to any week only if the executive director finds that:

(a) He has registered for work at, and thereafter has continued to report at, an office of the employment security department in such a manner as the executive director prescribes, except that the executive director may by regulation waive or alter either or both of the requirements of this paragraph for persons attached to regular jobs and in other types of cases or situations with respect to which he finds that compliance with those requirements would be oppressive or inconsistent with the purposes of this chapter.

(b) He has made a claim for benefits in accordance with the provisions of NRS 612.450 and 612.455.

(c) He is able to work, and is available for work, but no claimant may be considered ineligible with respect to any week of unemployment for failure to comply with the provisions of this paragraph if his failure is [due to] *because of* an illness or disability which occurs during an uninterrupted period of unemployment with respect to which benefits are claimed and no work has been offered the claimant which would have been suitable before the beginning of the illness and disability. No otherwise eligible person may be denied benefits for any week in which he is engaged in training approved pursuant to 19 U.S.C. § 2296 or by the executive director by reason of any provisions of this chapter relating to availability for work or failure to apply for, or a refusal to accept, suitable work.

(d) He has within his base period been paid wages from employers:

(1) Equal to or exceeding 1½ times his total wages for employment by employers during the quarter of his base period in which his total wages were highest; or

(2) In each of at least three of the four quarters in his base period.

If a person fails to qualify for a weekly benefit amount of one twenty-fifth of his high-quarter wages but can qualify for a weekly benefit amount of $1 less than one twenty-fifth of his high-quarter wages, his weekly benefit amount must be $1 less than one twenty-fifth of his high-quarter wages. No person may receive benefits in a benefit year unless, after the beginning of the next preceding benefit year during which he received benefits, he performed service, whether or not in "employment" as defined in this chapter and earned remuneration for that service in an amount equal to not less than 3 times his basic weekly benefit amount as determined for the next preceding benefit year.

2. For any week in which a claimant receives any pension or other payment for retirement, including a governmental or private pension, annuity or other, similar periodic payment, except as otherwise provided in subsection 3 the amount payable to the claimant under a plan maintained by a base-period employer or an employer whose account is chargeable with benefit payments must:

(a) Not be reduced by the amount of the pension or other payment if the claimant made any contribution to the pension or retirement plan; or

(b) Be reduced by the entire proportionate weekly amount of the pension or other payment if the employer contributed the entire amount to the pension or retirement plan.

3. The amount of the weekly benefit payable to a claimant must not be reduced by the pension offset in subsection 2 if the services performed by the claimant during the base period, or the compensation he received for those services, from that employer did not affect the claimant's eligibility for, or increase the amount of, the pension or other payment, except for a pension paid pursuant to the Social Security Act or Railroad Retirement Act of 1974, or the corresponding provisions of prior law, which is not eligible for the exclusion provided in this subsection and is subject to the offset provisions of subsection 2.

Sec. 5. NRS 612.3774 is hereby amended to read as follows:

612.3774 A person is eligible to receive extended benefits for any week of unemployment in his eligibility period only if the executive director finds that with respect to such week:

1. He is an "exhaustee";

2. He has satisfied the requirements of this chapter for the receipt of regular benefits that are applicable to persons claiming extended benefits [;] *, except that, for the purposes of paragraph (d) of subsection 1 of NRS 612.375, a person is eligible to receive extended benefits with respect to any week only if the executive director finds that the person has within his base period:*

(a) Been paid wages from employers equal to or exceeding 1½ times his total wages for employment by employers during the quarter of his base period in which his total wages were highest;

(b) Been paid wages from employers equal to or exceeding 40 times his most recent weekly benefit amount; or

(c) Twenty weeks of full-time employment subject to this chapter; and

3. He was not disqualified for benefits during the period for which he claimed regular benefits because he voluntarily left work, was discharged for misconduct or failed to apply for or accept suitable work, or if he was so disqualified, he thereafter regained his qualification pursuant to subsection 1 of NRS 612.380 or NRS 612.385 or 612.390. *The provisions of this subsection do not apply for weeks of unemployment where prohibited by federal law.*".

Amend the bill as a whole by adding a new section designated sec. 7, following sec. 3, to read as follows:

"Sec. 7. 1. This section and sections 4 and 5 of this act become effective upon passage and approval.

2. Sections 1, 2, 3 and 6 of this act become effective on October 1, 1993.".

Amend the title of the bill, third line, after "services;" by inserting: "authorizing the dissemination of information contained in the records of the employment security department under certain circumstances; revising the provisions governing the conditions of eligibility for unemployment benefits to comply with federal law;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes to provisions governing unemployment compensation. (BDR 53-1822)".

Assemblyman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 436.

Remarks by Assemblyman Giunchigliani.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 106.

The following Senate amendment was read:

Amendment No. 633.

Amend section 1, page 2, by deleting line 1 and inserting:

"*4. The county clerk may compensate a trainee for his service at the same*".

Assemblyman Evans moved that the Assembly concur in the Senate amendment to Assembly Bill No. 106.

Remarks by Assemblyman Evans.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 198.

The following Senate amendment was read:

Amendment No. 632.

Amend section 1, page 1, line 18, before "*administrative*" by inserting "*actual*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 198.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Toomin, Petrak, Smith, Regan, Wendell Williams, Bonaventura, Anderson, Gibbons, Schneider, Bennett, Segerblom, Garner, Evans, Bache, Chowning, Kenny, Hettrick, Neighbors, Price, Giunchigliani, Tiffany, Porter and Humke:

Assembly Bill No. 751—An Act relating to business licenses; requiring local governments that impose business license taxes to issue serially num-

bered business licenses; requiring a business license number in all advertising for services offered through businesses that are required to be licensed; and providing other matters properly relating thereto.

Assemblyman Toomin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Judiciary:

Assembly Concurrent Resolution No. 71—Directing the Legislative Commission to conduct an interim study of drug and alcohol abuse among criminal offenders.

Assemblyman Sader moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 335.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 204 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Sader.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 204.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 833.

Amend the bill as a whole by deleting sections 1 through 8 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before January 10 of each year, for the preceding calendar year, each agency represented by the attorney general shall submit to the attorney general a summary of all claims made against the agency for tortious conduct. On or before February 1 of each year, the attorney general shall compile the summaries submitted pursuant to this subsection and file the compilation with the secretary of state. The compilation is a public record open to inspection.

2. On or before February 1 of each year, for the preceding calendar year, the district attorney, city attorney or other attorney on behalf of each

local government shall compile and file with the clerk of its governing body a summary of all claims made against that government for tortious conduct. The summary is a public record open to inspection.

3. The claims summarized pursuant to this section must be arranged by category of wrong alleged, such as battery, false arrest, negligent injury, wrongful death, and the like, and divided by status into:

(a) Claims paid;

(b) Judgments entered but unpaid; and

(c) Claims pending.

A total must be shown for each status in each category, and a total overall for each status and each category.

4. For each claim must be shown:

(a) The name of the claimant;

(b) The amount paid, reduced to judgment, or claimed, as the case may be, including fees and costs determined; and

(c) The type of wrong alleged.

5. A court order sealing the record of a proceeding does not prevent the disclosure of the information required by this section, or excuse the attorney for the state or local government from providing that information.".

Amend the title of the bill to read as follows:

"An Act relating to claims sounding in tort against governments; requiring the reporting of those claims as a public record; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires reporting of tort claims against governments. (BDR 3-194)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Sader moved that the Assembly do not recede from its action on Senate Joint Resolution No. 7, that a conference be requested, and that Madam Speaker pro Tempore appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Sader.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker pro Tempore appointed Assemblymen Dini, Sader and Humke as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Joint Resolution No. 7.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Assembly Bill No. 618 be placed on the Second Reading File.

Remarks by Assemblyman Freeman.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 618.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 658.

Amend section 1, page 1, by deleting line 1 and inserting:

"Section 1. Upon execution of a memorandum of understanding between the director of the state department of conservation and natural resources and the Pyramid Lake Paiute Tribe of Indians to establish procedures to resolve the Tribe's claim to water as required in section 210(a)(2)(b) of Public Law 101-618:

1. Notwithstanding the provisions of NRS 533.435, the state engineer shall not charge and collect more than $10,000 as a permit fee for the granting of any single application by the Pyramid Lake Paiute Tribe pending on the effective date of this act which relates to the Truckee River.

2. The State of Nevada permanently relinquishes any right, title or".

Amend the bill as a whole by adding a preamble, before the enacting clause, to read as follows:

"WHEREAS, The Nevada Legislature declares that it has examined the provisions of section 210(a)(2)(B) of the Truckee-Carson-Pyramid Lake Water Rights Settlement Act, Title II of Public Law 101-618, enacted November 16, 1990, which states:

> Section 204 of this title, the Preliminary Settlement Agreement as modified by the Ratification Agreement, and the Operating Agreement, shall not take effect until the Pyramid Lake Tribe's claim to the remaining waters of the Truckee River which are not subject to vested or perfected rights has been finally resolved in a manner satisfactory to the State of Nevada and the Pyramid Lake Tribe;

and

WHEREAS, The Legislature further declares that it has examined the provisions of the Memorandum of Understanding to be entered into by the Director of the State Department of Conservation and Natural Resources of the State of Nevada and the Pyramid Lake Paiute Tribe of Indians, the purpose of which is to establish procedures to resolve the Tribe's claim to water as required in section 210(a)(2)(B) of Public Law 101-618; and

WHEREAS, The Legislature finds that provisions of the Memorandum include the establishment of water rights under Nevada water law through the state engineer; and

WHEREAS, The Legislature finds that statutory permit fees as set forth in NRS 533.435 for the pending applications by the Tribe to appropriate waters

of the Truckee River, if granted, would be exorbitant and excessive under the current schedule of applicable fees and not in the best interests of final settlement of the outstanding issues in the Truckee River Settlement; and

WHEREAS, Based upon the totality of relevant considerations of public policy in the instant case, the Legislature determines that it is appropriate to waive a portion of the fees that would otherwise be due by limiting the maximum amount which may be charged to the Tribe by the state engineer for each related application he chooses to approve; now, therefore,".

Amend the title of the bill, third line, after "Lake;" by inserting: "limiting the amount of fees which may be charged by the state engineer for certain applications regarding the Truckee River under a certain circumstance;".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 56, 80, 143, 316, 384, 490, 492, 517, 588, 627; Senate Bills Nos. 210, 274, 433; Senate Concurrent Resolution No. 44.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Kimberly Lampshire.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Dale Williams and Mrs. Jeannette Williams.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. and Mrs. John Bird.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Dina Marie Bell and Sharon Lester.

Assemblyman Porter moved that the Assembly adjourn until Monday, June 14, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:37 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FORTY-EIGHTH DAY

CARSON CITY (Monday), June 14, 1993

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Haller, who was excused.

Prayer by the Chaplain, The Reverend Albert Tilstra.

We thank You, O Lord, that this land is still governed by the people's representatives. Let the democratic processes be seen at their best as we come to the close of this year's session.

As these chosen women and men discharge their duties, guide them, O God, in the decisions they must make today. Give them the grace of humility, and shed Your guiding light into every mind. May what is done be so clearly right that it needs no incendiary justification. These things we ask in Your Holy Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bill No. 442; Assembly Joint Resolution No. 37, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 718, Senate Bill No. 168, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 247, 415, 641, 642, 644, 653, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Bill No. 603, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bill No. 565; Senate Bill No. 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 11, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 469.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 192, 347.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Neighbors, Dini, Evans, Haller, Schneider, Collins, Anderson, Toomin, Bennett, Humke, Hettrick, Smith, Gibbons, Gregory, Spitler, Regan, Lambert, Garner, de Braga, Petrak, Segerblom, Carpenter, McGaughey, Freeman, Augustine, Bonaventura, Ernaut, Kenny, Scherer, Arberry, Perkins, Porter, Chowning, Bache, Tiffany, Marvel, Sader, Giunchigliani, Price, Heller, Wendell Williams and Myrna Williams:

Assembly Concurrent Resolution No. 72—Commending Jack McCloskey for 60 years of excellence as editor and publisher of the *Mineral County Independent News*.

WHEREAS, John R. "Jack" McCloskey was born in Goldfield, Nevada, on September 19, 1911, but soon moved to Tonopah, Nevada, where, at the age of 11 years, he embarked upon his remarkable career in the newspaper business beginning by selling newspapers, then working as a printer's devil and subsequently as a reporter for the *Tonopah Times Bonanza*, all before graduation from high school; and

WHEREAS, At the age of 18 years, Jack McCloskey moved to Hawthorne to become the editor-reporter of the *Hawthorne News*, where he served until the Great Depression; and

WHEREAS, At that time, he borrowed $200 and founded the *Mineral County Independent News*, with emphasis on the term "Independent," in partnership with J. W. "Scoop" Connors, and within 2 years they acquired the assets of the *Hawthorne News*; and

WHEREAS, In 1954, Jack McCloskey purchased his partner's interest in the *Mineral County Independent News*, and has been the newspaper's sole owner for the last 39 years; and

WHEREAS, On March 3, 1993, Jack McCloskey completed 60 consecutive years as editor and publisher of the *Mineral County Independent News*; and

WHEREAS, In the 60 years since starting his newspaper, not only has Jack McCloskey repaid the loan, but he has also repaid many times over the residents of Nevada with his punchy, lucid, straight-shooting newspaper style which has earned him recognition as the "Sage" of Mineral County; and

WHEREAS, The *Mineral County Independent News* has enjoyed consistency in reporting for more than 40 years thanks in part to Jack's "newspaper family" of Gene, Tony and Ted Hughes, plus more recent members Joan Gazaway and Kathy Trujillo, and the contributions of the *real* editor in chief, Jack McCloskey's wife of 54 years, Pauline; and

WHEREAS, At more than 80 years of age, and despite a series of serious surgeries a few years ago, Jack McCloskey continues to be a stickler for accuracy in journalism, writing on a weekly basis some of the cleanest, tightest copy written by any Nevada reporter, particularly in his column "Jasper"; and

WHEREAS, Through his invaluable contributions to the oral history program of the University of Nevada, Reno, Jack McCloskey has given greatly of himself and served as a unique bridge between Nevada's early and late 20th century history; and

WHEREAS, Despite the fact that Jack McCloskey's opinion and counsel is widely sought by federal, state and local elected and appointed officials, for 70 years he has first and foremost been the chief advocate for the good people of Mineral County; and

WHEREAS, In his sixty-first volume of the *Mineral County Independent News*, Jack McCloskey, the dean of Nevada newspapermen, remains a forceful and virile newspaper publisher in vintage Nevada style; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That Jack McCloskey is hereby commended for his many, ongoing contributions to Nevada "newspapering" during his 60-plus-year career in the Fourth Estate, and more importantly for the kindness and concern he has exhibited to the countless people whose lives he has touched and continues to touch; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mr. John R. "Jack" McCloskey.

Assemblyman Neighbors moved the adoption of the resolution.

Remarks by Assemblymen Neighbors, Ernaut, Evans, Price and Mr. Speaker.

Assemblyman Bennett requested that the following remarks be entered in the Journal.

ASSEMBLYMAN NEIGHBORS:

Thank you, Mr. Speaker. First, I am saddened to report that due to the illness in the family, Jack and members of his family could not be here today. It certainly is a pleasure to be able to recognize Jack McCloskey for 60 years of continuous publication of the *Mineral County Independent News*. Truly the dean of Nevadan newspapering, Jack has provided much needed news to the people of Mineral County and beyond. In a much larger sense, he has served as a conscience of the community for his people at home, here in Carson City and beyond.

To be sure, Jack McCloskey is never unopinionated by virtually any issue. In fact, I am sure that although he will appreciate this resolution very much, I will probably get scolded in the paper next time out for wasting time. He and his family certainly appreciate this resolution.

Jack is truly a bridge between Nevada's past and its future. I might add that I would not be at all surprised, as I mentioned before, to see a barb in the paper in the column which is called "Jasper." Notwithstanding that fact, I am honored to be a part of recognizing Jack McCloskey, a real newspaperman and a Nevadan. I would ask you to support this resolution recognizing Jack McCloskey. If any of you are passing through Hawthorne, Jack's newspaper office is about a block off the main street. Do stop by and say hello to Jack. I would remind you that he likes to be called a newspaperman, not a journalist. Thank you, Mr. Speaker.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. I stand in support of Assembly Concurrent Resolution No. 72. I have had the distinct pleasure of having many visits with Mr. McCloskey. As I pass through Hawthorne, I try to make a stop on my way each time. If anyone has ever stopped and talked with Mr. McCloskey, they have always noticed that the presses are going 100 miles an hour. It is so loud, your entire conversation is at the top of your lungs.

One thing I wanted to say on the resolution, I do not think it really tells the story. The last time that I got to talk with Mr. McCloskey, he told me the story of actually how he came to the *Hawthorne County Independent News*. He was working for the *Hawthorne News* and had written a series of criticisms on FDR and was run off from the *Hawthorne News*. In the true spirit of Nevada, Mr. McCloskey borrowed some money and created a rival newspaper. Two years later, he bought the other newspaper out. That story in itself

exemplifies Mr. McCloskey's spirt and spunk. He is definitely someone. If you ever have the chance, get down there and take some counsel from him. He will change your life. Thank you.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I am delighted to rise in support of Assembly Concurrent Resolution No. 72. My one regret that I share with my colleague from Hawthorne is that Mr. McCloskey could not be with us today, giving everyone in the body an opportunity to see a true newspaperman. I guess to say, let us hear it for the return of newspapermen and women rather than something called journalists. The thing that I find most endearing about Mr. McCloskey is that if he has something on his mind, he does not just take you to task in his paper. He calls you up and tells you off, reads you out and asks you why you voted for that darn fool bill, and why you introduced such a darn fool bill and hopes you will do better in the future.

I am delighted to rise in support of this measure. Best wishes to all the McCloskeys.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I am pleased to get here early enough to speak on Assembly Concurrent Resolution No. 72. I have known Jack for many years since joining this body. We have no greater individual source of history and advice and really looking at things dear to our state with clear vision than Jack McCloskey. We do not always agree, and I suppose many of us do not on individual issues, but I am always pleased to get Jack's phone calls, which I get regularly. I stop often to visit Jack. His daughter worked for us here in the legislature. I am very pleased that we are honoring Jack this morning.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I would be remiss if I did not say a couple of words with the permission of the house. I became friends with Jack and his wife back in the mid 40s during World War II. At that time, Hawthorne was a mission for Yerington for the Catholic Church. We used to go over on Saturday night, the priest and two altar boys. We would stay in McCloskey's home. His wife would cook us the best Mexican dishes that you ever ate in your life. We would stay over night and have a six o'clock mass. It was at that point that I became acquainted with him.

Jack's knowledge of the history of the politicians in this state is so immense. I understand that he has done an oral history at the university. I think we all ought to listen to that. He could talk about anything from Balsar this way. In 1932 this bill went in, or 1933, or 1945, or when Pat McCarran died, or when Carville was the Governor, or anybody that you remember in the history of this state. Jack McCloskey could do it verbatim. If you stop by his office, be prepared to spend some time because you are not going to get out with a five minute discussion. You have to have lunch at the El Cap and maybe stop at Joe's. That is the way it goes when you go to Hawthorne to see Jack. They are lovely people. I certainly hope that his wife's health improves and that Jack continues to run that newspaper.

Resolution adopted unanimously.

Assemblyman Myrna Williams moved that all rules be suspended and that Assembly Concurrent Resolution No. 72 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen Myrna Williams, Giunchigliani, Dini, Regan, Perkins, Scherer, Petrak, Bache, Segerblom, Gregory, Garner, Augustine, Bonaventura, Collins, Bennett, McGaughey, Smith, Wendell Williams, Schneider, Spitler, Kenny, Toomin, Chowning, Tiffany, Price, Sader, de Braga, Heller, Hettrick, Porter, Arberry, Evans, Freeman, Anderson, Gibbons, Ernaut, Neighbors, Carpenter, Lambert, Marvel, Humke and Haller:

Assembly Concurrent Resolution No. 73—Recognizing the contributions of Flora Dungan, former Legislator from Clark County.

WHEREAS, Flora Dungan was a member of the Nevada Assembly during the regular sessions of 1963 and 1967, and the special sessions of 1964 and 1968; and

WHEREAS, Flora Dungan was only the third woman from Clark County to be elected to the Nevada Legislature; and

WHEREAS, In 1965, Flora Dungan and Dr. C. W. Woodbury brought a citizens' class action suit which subsequently led to a federal court decision requiring that the districts of members of the Nevada Legislature be apportioned on the basis of population rather than on county or other political boundaries; and

WHEREAS, This important decision, known as *Dungan v. Sawyer*, led to the 1965 special session which reapportioned the Legislature and increased the number of Senate seats in Clark and Washoe counties from 2 to 14, and the number of Assembly seats in those counties from 21 to 28; and

WHEREAS, Flora Dungan was interested in improving higher education in this state and was elected to the Board of Regents of the University of Nevada; and

WHEREAS, Flora Dungan founded FOCUS, a Las Vegas organization designed to aid troubled youth, was Chairman of the Las Vegas Sponsors of Synanon, was a member of the League of Women Voters, the National Association for the Advancement of Colored People and the Temple Beth Sholom and was a Director of the Albert Einstein Hebrew Day School; and

WHEREAS, At the time of her death on October 24, 1973, it was noted that Flora Dungan's life had been devoted in large part to fighting for the less fortunate in our society; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the 67th session of the Nevada Legislature hereby honors and recognizes the accomplishments made by Flora Dungan; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit copies of this resolution to her sister, Mrs. Cyril Lutsky, and nephews, former Senator Ron Cook and Art Cook.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams and Mr. Speaker.

Assemblyman Bennett requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. We honor many working people in this body and this building. None of them are, in my opinion, more worthy of honor than Flora Dungan. Flora fought for all the things that were right for this state. Many of us who are sitting here today would not be sitting here today if Flora had not fought the battle for reapportionment, one person, one vote in this state. It was a tough fight. I was around when she did it.

I was very fortunate when my husband, daughter and I moved to this state. There were about four or five people that I met and became lifelong friends. Marvin Sedway was one and Flora Dungan was another. We shared a very close relationship. In many ways these two people shaped my views of this state. I appreciate it.

Flora was a mentor. Flora cared very much about children, seniors and doing the right thing. As a result of that, after her death, a fitting tribute was to have the Humanities Building at the University of Nevada, Las Vegas, named for Flora Dungan in honor for all her contributions, not because she was a regent, but because of what she had done for the community, for the University and for the people of this state. So it is my great privilege to be able to speak in favor of Assembly Concurrent Resolution No. 73.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I would be remiss if I did not speak on this resolution. I had the privilege of serving with Flora in 1967 in the Assembly. She was chairman of the Elections Committee. There

were three democrats and two republicans on the Elections Committee. We had a republican governor. I think Flora gave me my real political science teachings that year in trying to deal with the 18-year-old voting law which, I think everyone supported, but because of political reasons, did not pass. We used to have a morning prep period before we went into Elections to understand what those things meant.

Flora meant a lot to me. She was an outstanding legislator. She was smart as a bugs ear. You would have loved serving with her. She was full of fight. I, too, want to join in supporting this resolution.

Resolution adopted unanimously.

Assemblyman Myrna Williams moved that all rules be suspended and that Assembly Concurrent Resolution No. 73 be immediately transmitted to the Senate.

Motion carried unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Marvel, Carpenter and Neighbors:

Assembly Bill No. 752—An Act relating to taxation; authorizing counties to set aside a portion of the tax on net proceeds of minerals to mitigate adverse effects from the opening or closing of extractive operations; authorizing counties to levy a tax ad valorem for the same purpose; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 753—An Act relating to the state executive department; eliminating the Nevada equal rights commission; repealing the statute of limitations applicable to actions which are tolled by the filing of a complaint with the Nevada equal rights commission; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 754—An Act relating to counties; prescribing rules of order for the board of county commissioners; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 192.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 347.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:33 a.m.

ASSEMBLY IN SESSION

At 11:38 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Assembly Bill No. 618 be placed on the General File.

Remarks by Assemblyman Freeman.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 669, 716, 721; Senate Bills Nos. 201, 212, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Concurrent Resolution No. 62, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 575, 637, 705; Senate Bill No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 598, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 14, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 45.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 62.

Resolution read.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 761.

Amend the preamble of the resolution, page 1, by deleting lines 12 and 13 and inserting: "location not actually upon the person or carrying a weapon within a container by the person, such as in a vehicle glovebox or under a seat; and".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Resolution ordered reprinted and engrossed.

Senate Concurrent Resolution No. 45.

Assemblyman Gibbons moved the adoption of the resolution.

Remarks by Assemblymen Gibbons and Sader.

Assemblyman Bennett requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker. I have the great honor and privilege today to introduce this resolution and move for this body to adopt it. This resolution honors a man whose life and legal career were dedicated and devoted to the betterment of all Nevadans, as well as for the search for truth and justice in our judicial system.

This man was a native son of Nevada and, as such, he loved this state and the people within it. He loved his career in the legal field. Bruce Thompson served the legal needs of Nevada for about 55 years. He served first as a United States Attorney for the State of Nevada and special master for the United States District Court. He served as United States District Court Judge for 15 years and held on as a senior judge serving in the United States District Court for an additional 13 years.

I think every attorney who has practiced in the State of Nevada and who has appeared before Judge Thompson knew readily that Judge Thompson was a legal scholar. You did not, as an attorney, take your client before this judge without being prepared. If you did so, you did with reckless abandon for your legal career as well as for your case. He accepted no other standard than professionalism in dealing with the law before him and his court.

It is also important for us to recognize that Bruce Thompson was a family man. He understood the importance of the family institution. He loved life and his family. Many of his family are here with us today. We will introduce them in a minute. Bruce Thompson left his mark on the State of Nevada and in the judicial system. Nevadans suffered a great loss with the passing of this man. He was a personal friend to all Nevadans. He was a judicial scholar. He was a husband and a beloved father. We all will miss him. Through this resolution we hope to express just a small amount of our profound loss and sorrow in the passing of Bruce Thompson. I urge all my colleagues to support this resolution. Thank you, Mr. Speaker.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. I rise in support of this resolution. I only knew Judge Thompson in the latter stages of his career, in the last 15 years or so and only in the courtroom. A great deal of what I do outside of these halls is litigation in Federal Court. I have had, I would say, well over 100 cases in front of Judge Thompson before he passed away. I do not think I have ever seen a judge or jurist brighter, more capable and more intelligent than Judge Thompson. His opinions were the best I have ever seen in this area.

As my colleague has stated, Judge Thompson was a stickler for courtroom decorum and for preparation. All attorneys knew that and adhered to it. In fact, he was affectionately known as the "alligator of Booth Street." We are going to miss Judge Thompson. I think the federal bench, the lawyers who practice in the Federal Court and all the clients who seek remedies in Federal Court will mourn the passing of a great jurist.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Ernaut, Gibbons, Regan, Hettrick, Augustine, Gregory, Schneider, Toomin, Carpenter, McGaughey, Neighbors, Tiffany, Lambert, Heller, Petrak, Segerblom, Humke, Marvel, Price, Evans, Chowning, Dini and Wendell Williams:

Assembly Bill No. 755—An Act relating to public investments; authorizing the state treasurer to invest the money in the state permanent school fund in certain obligations and certificates; authorizing the state to invest its money in certain additional obligations and certificates and in certain money market mutual funds; authorizing certain tax exempt organizations to deposit their money in the local government pooled investment fund; authorizing a board of county commissioners, the board of trustees of a county school district and the governing body of an incorporated city to invest their money in certain repurchase agreements; advancing the effective date of certain related amendments enacted this session; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 468.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 628.

Amend the bill as a whole by deleting section 1 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 379.0222 is hereby amended to read as follows:

379.0222 1. After the consolidation of a city into a county library district, the board of county commissioners and the governing body of the city shall each appoint five competent persons who are residents of the new consolidated library district to serve as trustees.

2. The terms of office of the trustees appointed pursuant to subsection 1 are as follows:

(a) Three persons appointed by each governing body must be appointed for terms of 4 years.

(b) Two persons so appointed must be appointed for terms of 2 years. Thereafter the offices of trustees must be filled for terms of 4 years in the order in which the terms expire. No person may be appointed to hold office for more than two consecutive terms.

3. A vacancy in the office of trustee which occurs because of the expiration of the term must be filled by appointment for a term of 4 years. A vacancy which occurs other than by expiration of the term must be filled by appointment for the unexpired term.

4. The trustees are entitled to receive a salary of $40 per meeting, but not more than $80 per month, in addition to the travel and subsistence allowances in the same amounts as are provided for employees of the consolidated library district.

5. The board of county commissioners or governing body of the city, as the case may be, may remove any trustee appointed by it [who] *:*

(a) For cause, as described in NRS 283.440; or

(b) Who fails, without good cause, to attend three successive meetings of the trustees.

6. The trustees may appoint an executive director for the consolidated library district who serves at the pleasure of the trustees.".

Amend sec. 4, page 2, line 42, by deleting "The" and inserting: "[The] *Except as otherwise provided in subsection 2, the*".

Amend sec. 4, page 3, line 1, by deleting "*consolidated or*".

Amend sec. 4, page 3, line 6, by deleting "*The trustees*".

Amend sec. 4, page 3, by deleting lines 7 through 11 and inserting:

"(f) In the case of a consolidated library district [, administer] *:*

(1) Administer any separate account established pursuant to NRS 354.603 [.] *;*

(2) Annually submit a budget to the board of county commissioners and governing body of the city for joint review and approval, which must contain detailed priorities and estimates of the amount of money necessary for the operation and management of the consolidated library district for the next succeeding year; and

(3) Submit quarterly reports to the board of county commissioners and governing body of the city concerning the budget and the programs of the library, and provide any additional information requested by either governing body as soon as is reasonably practicable after receiving the request.".

Amend sec. 4, page 3, by deleting lines 20 through 22 and inserting:

"2. *If the trustees appoint an executive director pursuant to subsection 6 of NRS 379.0222, it is not required to comply with paragraph (b) of subsection 1.*

3. The trustees may:

(a) Make purchases and secure rooms.".

Amend sec. 4, page 3, by deleting lines 29 through 31 and inserting:

"*4. The trustees shall, as a primary goal of the consolidated library district, provide the library facilities, resources and trained staff to meet the informational needs of all residents of the district.*".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 500.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 735.

Amend section 1, page 1, line 16, after "*investigations*" by inserting: ", *investigators employed by the attorney general while engaged in undercover investigations*".

Amend section 1, page 1, line 21, by deleting "*agency*" and inserting: "*agency, the attorney general*".

Amend the title of the bill, second line, after "agent" by inserting: "or an investigator employed by the attorney general".

Amend the summary of the bill, first line, after "agent" by inserting: "or investigator employed by attorney general".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 602.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 741.

Amend sec. 7, page 3, line 15, by deleting ", *emergency dental*".

Amend sec. 7, page 3, line 25, by deleting ", *emergency dental*".

Amend sec. 7, page 3, line 29, by deleting "[nonresident]" and inserting "nonresident".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 678.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 720.

Amend section 1, page 1, line 11, by deleting the period and inserting: "*to avoid aggravating the offender's medical condition or to avoid exposing other offenders to a contagious disease.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 16.

Bill read second time and ordered to third reading.

Senate Bill No. 155.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 752.

Amend section 1, page 1, by deleting lines 3 through 9 and inserting: "*For the purposes of NRS 41.0305 to 41.039, inclusive, an employee of or volunteer for a public fire-fighting agency shall be deemed an employee of the state or a political subdivision of the state.*".

Amend the bill as a whole by deleting sec. 2.

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 309.

Bill read second time and ordered to third reading.

Senate Bill No. 363.

Bill read second time and ordered to third reading.

Senate Bill No. 400.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 709.

Amend sec. 6, page 3, by deleting lines 10 through 15 and inserting:

"Sec. 6. *If an act constituting a violation of any provision of this chapter causes contact with an overhead line carrying high voltage, each person who committed the violation or caused another person to commit the violation shall pay the public utility operating the overhead line carrying high voltage for:*

1. All damages to property of the public utility;

2. All reasonable costs and expenses incurred by the public utility as a result of the contact; and

3. The costs and expenses incurred by the public utility as a result of the contact for damages to third persons.

Each person who committed a violation causing the contact or who caused another person to commit a violation causing the contact is jointly and severally liable for the payment required by this section.".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 441.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 19.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 852.

Amend section 1, page 1, line 16, by deleting: "*July 1, 1993,*" and inserting: "*January 1, 1994,*".

Amend section 1, page 1, line 18, by deleting: "*July 1, 1993,*" and inserting: "*January 1, 1994,*".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 407.

Bill read third time.

Remarks by Assemblyman Tiffany.

Roll call on Assembly Bill No. 407:

YEAS—40.

NAYS—None.

Absent—Haller.

Not voting—Lambert.

Assembly Bill No. 407 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 444.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Assembly Bill No. 444:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 528.

Bill read third time.

Remarks by Assemblymen Toomin, Giunchigliani, Carpenter, Sader and Arberry.

Assemblyman Arberry moved that Assembly Bill No. 528 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Assembly Bill No. 538.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 538:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 538 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 672.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 672:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 672 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 706.

Bill read third time.

Remarks by Assemblymen Segerblom, Myrna Williams, Augustine and Garner.

Roll call on Assembly Bill No. 706:

YEAS—39.

NAYS—Augustine, Collins—2.

Absent—Haller.

Assembly Bill No. 706 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:27 p.m.

ASSEMBLY IN SESSION

At 12:40 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 608, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 756—An Act relating to banks; authorizing the licensure of banks by the commissioner of financial institutions to sell annuities; requiring the commissioner to adopt regulations regarding licensing; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 310.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Senate Bill No. 310:

YEAS—41.

NAYS—None.

Absent—Haller.

Senate Bill No. 310 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 618 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 335.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 335:

YEAS—41.

NAYS—None.

Absent—Haller.

Senate Bill No. 335 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 466.

Bill read third time.

The following amendment was proposed by Assemblyman Scherer:

Amendment No. 863.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

Any person who, after testing positive in a test approved by the state board of health for exposure to the human immunodeficiency virus and receiving actual notice of that fact, willfully or wantonly engages in conduct in a manner that is intended or likely to transmit the disease to another person

shall be punished by imprisonment in the state prison for not less than 1 year nor more than 20 years, or by a fine of not more than $10,000, or by both fine and imprisonment.".

Amend section 1, page 1, by deleting lines 2 through 7 and inserting:

"201.190 1. Except as *otherwise* provided in NRS 200.366 and 201.230, every person of full age who commits [the infamous crime against nature shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years.

2. The "infamous crime against nature" means anal intercourse, cunnilingus or fellatio between consenting adults of the same sex.] *anal intercourse, cunnilingus or fellatio in a public place or facility is guilty of a gross misdemeanor.*

2. For the purposes of this section:

(a) "Public place or facility" does not include a place of lodging or other place where there is a reasonable expectation of privacy.

(b) A public place or facility does not lose its character as such solely because a fee is charged for admission.".

Amend the bill as a whole by renumbering sections 4 through 6 as sections 9 through 11 and adding new sections designated sections 5 through 8, following sec. 3, to read as follows:

"Sec. 5. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

No house of prostitution may be licensed by the board of county commissioners if the house of prostitution permits sexual conduct for a fee between members of the same sex.

Sec. 6. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

No house of prostitution may be licensed by the governing body of an incorporated city if the house of prostitution permits sexual conduct for a fee between members of the same sex.

Sec. 7. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

No house of prostitution may be licensed by the board of county commissioners or town board in an unincorporated town if the house of prostitution permits sexual conduct for a fee between members of the same sex.

Sec. 8. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district shall not establish or permit any program or portion of a program that in any way teaches, counsels or promotes a homosexual lifestyle or the infamous crime against nature, except to provide factual information regarding the dangers of such activities in accordance with NRS 389.065, without:

(a) Providing a complete and accurate description of the program and any materials to be utilized to the parent or guardian of each pupil to be required, encouraged or invited to participate in the program; and

(b) Obtaining the prior written consent of the parent or guardian for each occasion the pupil will be required, encouraged or invited to participate in the program.

2. As used in this section, "infamous crime against nature" means anal intercourse, cunnilingus or fellatio between natural persons of the same sex.".

Amend the title of the bill to read as follows:

"An Act relating to sexual conduct; making it unlawful to engage in certain conduct through which the human immunodeficiency virus may be transmitted after testing positive for the disease; revising the prohibition against certain sexual conduct; prohibiting the licensure of a house of prostitution if it permits sexual conduct between members of the same sex; prohibiting instruction of a pupil in a public school concerning homosexual activity without the consent of the parent or guardian; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to sexual conduct. (BDR 15-1219)".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblymen Scherer, Sader, Giunchigliani, Wendell Williams, Collins, Augustine, Porter, Anderson and Carpenter.

Assemblyman Giunchigliani requested that the following remarks be entered in the Journal.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker. This amendment addresses a number of concerns that have come up regarding this bill. The first change would make it a criminal act to willfully or wantonly infect someone with the AIDS virus, HIV. The second change would reduce the penalty which was put in by the Senate, which would make public sexual acts a felony. This would reduce them to a gross misdemeanor. It is my profound belief that with our scarce prison resources to make this crime a felony would be a misuse of those resources. We should save those resources for people who are truly a danger to society, and especially violent offenders rather than using them for this type of crime. The next amendment clarifies the definition of public. It is extraordinarily ambiguous in the current bill what constitutes being in public. This would provide a definition for that. The next section and the next several sections of the amendment all do the same thing, which is to outlaw or express the state's position that the counties may not license houses of prostitution for members of the same sex. The purpose of this is based on the statistics that I have seen in a number of different studies related to the health aspects that I believe would end up being a burden to taxpayers if we were to allow same-sex brothels in this state. Finally, and what I believe is most important, the amendment gives parents the right to be informed of, and to give their consent to, any teachings or promotions of any of the acts that have previously been crimes, the infamous crime against nature or the homosexual lifestyle. While I truly believe that the government should stay out of people's bedrooms and there should be a right to privacy, I similarly believe that the government should stay out of our children's minds and allow parents the right to be involved in children's education especially when attendance at public schools is compulsory. There is no choice not to attend, not to send your children to school unless you are fortunate enough to be able to afford to send your child to another school. This would allow parents simply the right to be informed and to give their consent. Those parents who did want their children to be involved in those programs could have them involved; those who did not would be allowed to keep their children out of those specific programs. On a controversial subject such as this, all of you have seen how controversial this has been in

the last several weeks, I think it is the parent's right to be informed of this type of subject matter being taught in schools and to object to it if they so choose. And, with that, I would urge my colleagues to support this amendment.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. I rise in opposition to this amendment. This amendment was also tried in committee, and the committee rejected it after three hours of hearing the subject matter. With the exception of section 1, this amendment deals with the litany of fears of what this bill will do if it is passed. So they are really unrelated subjects to the issue of repealing a criminal law. I would like to deal with the amendment on a section by section basis. The first section, the one that does deal directly with statutes at hand, would reduce the penalty for committing certain sexual acts in public from a felony to a gross misdemeanor. I really agree with the substance of this. I think it is a mistake to go to a felony. However, I have inquired at some length on the Senate side as to whether or not the amendment such as this in Section 1 would be accepted. And, while there may be others that differ with the analysis given to me, I have been told that if this amendment goes on the bill, the bill will die in the Senate. It will not get concurrence, will not get a consensus back from the senators. And, for that reason, I oppose Section 1, a section I would otherwise support. Now, the other aspect of Section 1 the suggestion that by creating a felony for heterosexuals to engage in certain acts in public would flood our current prison system is unfounded. In fact, I checked. And those who are currently incarcerated under this law, whether it is in private or in public of the same sex, and found that there is literally no one in prison at this time with these factual circumstances that would give rise to a violation of this kind. In fact, there is no one in the prison system who has been convicted of this statute since 1977. So the suggestion that by increasing the penalty it is going to flood the prison system, I would suggest to you, is simply not supported by the facts. Sections 5, 6, 7 and 8 and 65 and 67 all deal with counties and how they regulate the brothel industry. I really think this is a red herring. We currently allow counties to regulate what they do in the brothel business. If you check the county laws you will find that all counties except one already prohibit homosexuals operating as prostitutes in the State of Nevada. And, finally, and to me the most objectionable section of this amendment is number 8, dealing with the education and the school districts and it is objectionable not in its substance, but what it tells the school district. I have thought for a long time that we in the legislature are much too quick to exercise our powers to regulate and to legislate what the local school districts do in curriculum. It is about time we take a look at this practice. These people are elected. School district boards of trustees are elected by the people specifically with the idea in mind that they are going to set curriculum. Why should we, in the legislature, usurp that power, even though we have the raw power to do it? Why should we be telling them what to do in the local school districts for their curriculum? I would suggest to you that there will be some school districts who will institute these kinds of changes. It should be done on a district by district basis for those people, or from those people, who are elected to do that job, not from us.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. Just a point of clarification through you to the education chairman. I just wanted to ask a question. Is there currently a law on the books regarding sexual education curriculum which mandates that local parents and groups must create the curriculum rather than us, and therefore would this be in conflict with it?

ASSEMBLYMAN WENDELL WILLIAMS:

Thank you, Mr. Speaker. To you, and through you to my colleague from district 9, chapter 389.65 actually deals with all issues that concern sexuality in schools. Mr. Speaker, just to answer the question, school districts are already doing that at this particular time. And it is all done with input by parents, it is all done in the public. What our current law at this particular time has given in reference to direction to school districts, the school board of trustees appoint an advisory panel consisting of nine people. Five of those people are appointed by the school district who have children currently in that school district. The other four people appointed are representatives of four different areas. Mr. Speaker, one is from medicine and nursing, one is from counseling, one is

from the religious community and one is a person who deals with the actual teaching of students. What these people do is meet and review all materials that have anything to do with sexuality in schools. This review is done before the public; the public is invited to come out. When they complete their work and review all materials that will be presented or possibly exposed to students, this information is brought back and recommended or not recommended to the board of trustees. That process is open to the public, as well. Then the board of trustees make a decision on that. After that happens, and let us say some particular provision is adopted, all parents who have children in that school district are notified about that. Those parents are then invited to review those materials, and then after that the materials are adopted. This can only be taught by teachers who are employed and licensed by the State of Nevada to work in that district. So basically, this item in the amendment is actually already being done by mandate by Chapter 389. Thank you.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. Through you to this body, I am a member of the Judiciary committee that heard this legislation, and this amendment, as has already been mentioned, is similar to the amendment discussed in committee. The vote was 6 to 8, so it was very close to being divided; it wasn't like it was just killed in that committee. This amendment has very much merit, and I also believe that we should allow this amendment based on the comment from the education chairman. I'm on the education committee also, and the chairman of education says that there is already a law in place. My colleague from Washoe County says that we should not be addressing curriculum, but we all the time, as state lawmakers, address curriculum. And I believe that Senate Bill No. 466 would, in fact, change the laws and would change the direction of the board or panels in the school board areas that allow what is discussed in the classroom. So, I rise in support of my colleague's amendment.

ASSEMBLYMAN AUGUSTINE:

Thank you, Mr. Speaker. I rise in support of Amendment No. 863 and would like to specifically address Section 1 of the amendment. The original intent of Senate Bill No. 466 was to repeal a 1911 statute. While I agree that government does not belong in our bedrooms, I do believe that government should not take a step backwards and impose a penalty now reserved for society's worst criminals. Proponents of this bill have argued that we should pass Senate Bill No. 466 as it was amended by the Senate, and then the legislature can come back in two years and fix it by removing the felony clause. This does not appear to be good lawmaking to me. What happens to those who are arrested for this felony offense in the ensuing two years? There are still others, including the chairman of the Judiciary Committee, that argue that if we amend this bill in the Assembly, the Senate will not concur. If this is the case, it will be the first time I have seen this house take action predicated on what the Senate may or may not do. Two wrongs do not make a right, and I encourage my colleagues to support this amendment.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. I rise in opposition to Amendment No. 863 to Senate Bill No. 466 and to support the chairman of the Judiciary Committee. Mr. Speaker, we heard three hours of testimony, very heated testimony, and you have two groups that are very solidified in their positions on this issue. The chairman of the Judiciary Committee is correct. You are going to load this thing down so much that when it gets over to the Senate, they will not concur, and this legislation will die. This legislation should not die, Mr. Speaker, not at all. And for the prospect of the distinction between public and private, keep in mind that any of these acts dealt with on page 2, and my Latin is not very good so I will not attempt to pronounce them, but any of these acts taking place between heterosexual adults is open and gross lewdness and a felony now. So let us not kid ourselves, the distinction between public and private is not important from a prosecutional point of view. There is a separate statute available for the prosecution of these acts by any adults of whatever gender from a felony standpoint. So do not be misled on that point. I would urge my colleagues to defeat this amendment. Thank you.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker. I rise to respond to some of the comments that have been

made by both the chairman of Judiciary and the chairman of Commerce. First of all, open and gross lewdness is currently a gross misdemeanor for a first offense. It is only a felony on a second offense. Whether this provision floods the prison system or not is not the entire issue. The issue is "should it be a felony?" I think the answer is, "it should not." A felony conviction on someone's record deprives him of his civil rights and is a tremendous blemish on his record that we should not impose lightly. The school issue is not dealt with directly. This amendment will deal with it directly. It is only dealt with in a somewhat ambiguous fashion talking about education related to HIV and to sex education. It does not provide for the kind of specific, complete and accurate notice that this amendment would provide for. The process described by the chairman of Education is one in which, unfortunately, many parents do not participate. It is not until they are informed that their students are going to be directly affected by this type of program that they then become concerned and wish to exercise the right to object. Unfortunately, by then it is frequently too late.

The chairman of Judiciary told us that this amendment deals with a number of fears that have been raised really not related to the bill. I think it would be irresponsible for us not to look at the ramifications of this legislation and not to deal with those ramifications. I have not seen that issue or that argument made on any other bill that has flown through this Assembly. We always try to look carefully at what the consequences of a bill will be in the future, and I would ask that we do the same on this bill.

Finally, with regard to, again, the issue of schools, the chairman of Judiciary argues that we should not micro-manage the school districts. I would only say that we have, just this session, passed bills that have specified curriculum for each of the school districts, and they have flown out of this body virtually unanimously without those same objections. I would ask that my colleagues treat this issue consistently in that respect. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in opposition to Amendment No. 863 to Senate Bill No. 466. I am sure many of us would like to keep quiet and sit quietly about such an important piece of legislation, and indeed that has been my intention. Section 8 of this particular amendment, however, raises, I think, a particular concern that I think I stand in a better position to remark to than possibly any of my fellow colleagues here. I teach American government and American history at a high school at which the mandated sex education program takes place. In fact, in Washoe County the very first set of those programs were put on in my classroom, and I want to assure the members that, even though many parents choose not to become involved in the educational system, unfortunately at all levels, which is one of the great tragedies in American education today. We cannot proceed with this particular program unless we have a signed affidavit from each and every parent. Any student in my classroom who has not returned such a document to me prior to the program must be placed in a program away from that classroom without embarrassing the student, number one. Number two, for those of you who have had the opportunity to read my biography in the Legislative Manual may note that I am a product of not public education, but parochial education, and have very close ties to people who teach at that level. I know from first-hand experience in talking to those teachers what takes place in their classrooms. They have greater freedom to teach, to respond to questions, meaningful questions from their students than I do as a public educator in part because we have tied my hands. I cannot respond to a question, a direct question, that deals with the AIDS program and how it might be transmitted. I must wait for the authorized program to take place.

The supposition that is put forth in Section 8 of the amendment is exactly the program that is followed in Washoe County. I can testify to it, I know it takes place. This is unneeded legislation. It is there for "spit and polish" only. It does nothing to advance the argument.

Secondly, if I may, Mr. Speaker, continue on, today, June 14, is Flag Day. At the beginning of every one of our sessions, we stand and pledge to that flag. At the end of that pledge, we use that trite phrase, "liberty and justice for all." All means, indeed, all. If those words are not going to be hallow, how then can we discard one group of humanity by placing them into a different section? How can we look at them and believe that they are

part of all of us, of we the people? That is a concept I strongly believe in and will not shrink from. I encourage my fellow members to defeat this amendment and move to the immediate passage of the bill itself.

ASSEMBLYMAN WENDELL WILLIAMS:

Thank you, Mr. Speaker. Again, in reference to the subject of education, allow me to maybe provide a little more specificity to how the process works with parents. I think I explained how the selection is made for the advisory group, but we would all like to involve more parents in every aspect of education if we are really going to talk about reforming education. But currently, under our statutes, Mr. Speaker, the parents of each particular student who may be exposed to a class that has anything to do with sexuality will be informed in writing that the particular class will be offered. That particular notice has a form for the parent or guardian's signature to be returned. If, in fact, as my colleague from Sparks indicated, that if that form is not signed, the student is not expected to attend the class nor is he penalized for the credit for graduation if he doesn't take the class if it is a high school class. After that, the materials and the course of study will be placed in a situation where parents can see it before the class starts. The parents again will be notified in writing that those materials are available for public review and for perusal by those particular parents. That's two written notifications to parents, and after that particular case again, those must be furnished to each particular parent of every student in the school district, so the parents actually have five different occasions to be involved, either by public review or by public participation, and two separate occasions where they are notified in writing to respond. So, that is clearly covered under our statutes. Finally, we give the overall and general directions for school districts, the legislature does, but we don't give the specific directions on what they should do for each particular item, but we give enough latitude where local districts can control it, but parental notification is given on two different occasions in writing.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. There is one part of this amendment that I feel very strong about and that is the part that reduces the penalty from a felony to a gross misdemeanor. I just don't think that we should be making this kind of a crime a felony when, on the other hand, we're taking all penalties away from persons that want to do other kinds of sex acts. I think this is really a real mistake, and, as the chairman of Judiciary said, he agrees that this should be a gross misdemeanor and not a felony. If we make a real reason judgment here, I see no reason that the Senate should not go along with us unless they're really having second thoughts about the whole bill. So, I especially want to speak in favor of reducing this penalty. Thank you, Mr. Speaker.

Assemblymen Scherer, Humke and Tiffany requested a roll call on Amendment No. 863.

Roll call on Assemblyman Scherer's motion:

YEAS—12.

NAYS—Anderson, Arberry, Bache, Bennett, Bonaventura, Chowning, de Braga, Evans, Freeman, Giunchigliani, Gregory, Kenny, Lambert, McGaughey, Neighbors, Perkins, Petrak, Porter, Price, Regan, Sader, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin, Myrna Williams, Wendell Williams—29.

Absent—Haller.

The motion having failed to receive a majority, Mr. Speaker declared it lost.

Remarks by Assemblymen Sader, Bonaventura, Kenny, Garner and Scherer.

Assemblyman Giunchigliani requested that the following remarks be entered in the Journal.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. I rise in support of Senate Bill No. 466, and I am going to

take a couple of minutes, at your leave, to explain a few things about this bill. It's a very simple bill in concept, but it is extremely complicated in its subject matter when you deal with the arguments of proponents and opponents on this bill. The bill came out of the Judiciary Committee with a nine to five vote. I have a floor statement here prepared by staff which is quite simple and very concise on what the bill does. Senate Bill No. 466 revises the state law concerning sexual conduct. The bill removes the prohibition against performing certain anal and oral sexual activities in private between consenting adults of the same gender. The measure provides that performing such sexual activities in public, regardless of the gender of the participants, constitutes a felony. Senate Bill No. 466 is effective on passage and approval. Now, that's all the bill does. The bill deletes a portion of the law passed in 1911 dealing essentially with sodomy and certain oral sexual practices. The effect is to decriminalize anal and oral sex by those of the same sex when done in private.

Now, one might then wonder why this is such an intensely lobbied bill. Why is this one of the hottest bills of the entire legislative session? To explain that, Mr. Speaker, I think we should summarize the arguments that were presented to the committee for those who are not on the committee. They illustrate, I think, the breadth of disagreement on the subject matter and the other issues that come to play. First, the committee heard there is a major health issue involved in this bill. Those who oppose the bill suggest that repealing this law condones homosexuality, and in doing so, promotes the spread of AIDS and other diseases and other physical effects associated with a gay lifestyle. In essence, the message is, "gay lifestyle kills." The proponents of this bill, on the other hand, suggest that change is needed in fighting against AIDS. In that category are the Clark County Health Department, Washoe County Health Department, and Dr. Jerry Cade who is the physician who has handled more AIDS patients in this state than any other physician, and he says over a majority of all AIDS patients in this state. I can summarize the arguments of the proponents by quoting from Mr. Otto Ravenholt's letter, the chief health officer of the Washoe County Health District. He says, "Our mission is to promote health and prevent the spread of disease. The sodomy law is not effective in controlling private sexual behavior between consenting adults, but it is, rather, to those of us trying to limit the spread of AIDS in Nevada, a barrier. This is because people who may be engaged in high-risk behavior for AIDS infection are deterred from being tested for the disease because they fear being reported for breaking the sodomy law." That's the health issue.

The next major issue is one of individual rights. This involves the right to privacy and the right to equal protection. Proponents of the bill argue that consenting adults should be left alone. What they do in private is no business of government, particularly when you deal with a law that currently prohibits individuals of the same sex from doing some practices that non-heterosexuals feel is a major equal protection argument. Opponents of the bill suggest, on the other hand, that there is no constitutional right to be a homosexual, and they cite supreme court cases dealing with sodomy laws which basically say exactly that—there is no constitutional right currently to be a homosexual. Opponents would go even farther to say there is no right to be a pervert.

Now on the religious side of this, there are major religious undercurrents to this bill. Opponents would say that this bill and sodomy in general is against teaching in the Bible and other religious documents. In this category are substantial elements of Baptist churches, Mormons and Catholics. Proponents, on the other hand, suggest that this is not a biblical mandate. Religious doctrine does not define a sexual practice like this, this is rather a social issue. In this category we found Jewish leaders and certain aspects of the Jewish religion, particularly rabbis in Las Vegas and Reno who wrote to the committee. We find some Presbyterians, and other noted religious revolutionaries such as those; we find the Church of Religious Science and we even had an affidavit from a Catholic bishop from Michigan, just to show that Catholics are not uniformly united on this issue of religious doctrine.

Let's talk about the political overtones of this bill. The proponents would cite Democratic party platforms, locally and in states in many areas, which suggest these kinds of laws should be repealed. Libertarians also believe that these kinds of laws should be repealed. Opponents, however, include substantial elements of the Republican party with

local and state platforms in many Republican party dogma, distinctions made on this question and it should not be repealed. The American Independent party believes, as well, this law should stay. Political groups, proponents, gays and lesbians—we heard from those organizations as well as a very healthy individual response from a number of people suggesting we should repeal this law, the American Civil Liberties Union, the Nevada Women's Lobby, the National Organization of Women, the Nevada Trial Lawyers, all proponents of this bill. Against the bill, however, were the Nevada Eagle Forum, Nevada Coalition for Conservative Citizens, and a very substantial number of individual citizens who have been phoning and writing in great numbers to suggest that we do not repeal this law.

Finally, there is what I would call an underbelly of fear and hatred related to this law, one that both sides practice, neither side is exempt from. Opponents suggest that there is a nefarious gay agenda in our society and that this bill will further that gay agenda. They suggest that now we will be helping to infiltrate the Boy Scouts, that we'll be teaching gay rights in school, that gays will entrap and ensnare our youth in their hideous practices, etc. Proponents, on the other hand, suggest that we should not be furthering the agenda of the religious right and suggest, as well, the litany of the terrible things that are going on in Africa.

In essence, Mr. Speaker, there is really something for everybody in this bill. It's a simple bill but with a very complicated concept and array of social issues. In fact, you could write a doctorial thesis on social issues in America simply by taking a look at what this bill brings up in arguments from proponents and opponents. So, I feel it necessary, Mr. Speaker, to focus, to focus the argument for me, I think, and for a majority of the committee, on the issue that really matters here, and that is the question of individual rights and personal freedom in America in the 1990s. We have a fast changing society; we have one that is very difficult to keep up with. The law never keeps up with society when it changes as fast as ours does. In a situation like this, we should look at the fundamental principles which guide us as Americans and look toward the future with those principles in mind. Now, the question of public and private sex acts is not a newcomer to the law. In fact, a majority of the law on privacy, the constitutional law on privacy, has been written with these cases as subject matter. The question of the government in the bedroom is one that has been argued long and hard in this country. The law in our country, and in most countries, tends to follow a sense of moral judgment in our community, and I would suggest to you that in America, it always will and it always should.

In the past we've had laws which have prohibited all sorts of sexual practices, and those laws have been enacted because the moral sense of the community at the time mandated it, at least in the eyes of legislators. We have had laws against birth control; we have had laws against masturbation; we've had lots of laws against abortion that we're all aware of; and we've had laws against sodomy. These laws die hard, and always die with tremendous disagreement. Government fails miserably at regulating what people do in their sex lives in private. Laws like this raise questions of bedroom police, of vehicles to oppress minorities, of discriminate enforcement of the law against people you don't like but not against people you like. That's the potential, that is oftentimes the practice with laws like that today. One of the results of this law we currently have in Nevada is that it is not enforced. Some say it is unenforceable. I suggested to you earlier, and the facts are accurate on this, that we have not incarcerated a person in the State of Nevada for a violation of this law since 1977. Now why is that? Because people consider it to be unenforceable and because other laws are there to handle acts in public committed when the public conscience is offended.

Finally, another aspect of this that came before the committee as a sort of undercurrent, was fear, intolerance, misunderstanding, and hatred. Those all exist. I think they are dramatically seen by the opponents of this bill. In my view, and I believe the majority of the committee, I would suggest to you that it is time to revise a law which has outlived its usefulness, a law which was enacted in 1911. It's time to recognize the changes in society, for better or for worse, and particularly that homosexuals are now out of the closet and you can't put them back in the closet. You have to deal with this aspect of lifestyle, and a law that prohibits the practice commonly used by many homosexuals in their private lives

is not healthy in dealing with changing society. It's time to accept that we have people of different sexual predilections, that we have people who are simply different from ourselves, and there is nothing necessarily wrong with them, certainly nothing we should criminalize. It's time to include a growing minority in our society today in the mainstream. It's definitely time to repeal a hypocritical, criminal law which is neither enforceable or even used in the last decade. It's time to look toward the future and hope for more understanding, more tolerance, and more acceptance of those who are different from ourselves. And it's time to reject the past of hatred, intolerance, and fear which is the rule today. Thank you.

ASSEMBLYMAN BONAVENTURA:

Thank you, Mr. Speaker. I rise in opposition to Senate Bill No. 466. The majority of the people in my district are opposed to this legislation. They cannot understand how the passage of the bill could benefit anybody in Nevada. We are concerned about the kind of image that Nevada will get if this legislation passes. I sincerely hope the people of Nevada can count on us to vote for decency. I applaud those members who have taken a stand for the defeat of this bill and also those who voted against it. I assure you that the majority of Nevadans are against the bill.

We need to protect our children from being exposed to this socially destructive behavior. The decision you make today will affect your children, your grandchildren and maybe even your grandchildren's children. If you're thinking about voting for this bill, please ask yourself if you are representing the people of Nevada or a small minority group. Nevadans do not want this legislation to pass. Remember, the people in your districts are those you represent. Sometimes we forget or look sideways at why we are elected and how we got here. So, let me remind everybody in this great body that we were elected by the people in our districts. They expect us to vote to represent the majority of them. If you vote for Senate Bill No. 466, you are voting against the will and the majority of the people who put you here. If you vote against the will of the people in your district, you will have failed to represent them. Thank you.

ASSEMBLYMAN KENNY:

Thank you, Mr. Speaker. I rise in support of Senate Bill No. 466. As I do every day that I serve in this honorable body, I reflect upon all of our deliberations as an elected official, a mother of three—soon to be four—a business owner, a community activist and a resident of Nevada.

Throughout this session, no other bill has received this much attention. My feeling is that the real issue addressed in Senate Bill No. 466 has unfortunately been directed off course. The issue, the point or the heart of this bill reflects solely upon an individual's right to privacy. I have pledged to represent my district, and I ran as a candidate whose concerns mirrored the concerns of my constituency. I have searched deep inside myself, counseled with my church, my family members and many constituents.

Although this bill has divided many of our districts, the real issue being addressed in this bill is the cord that must unify us, an individual's right to privacy. An individual's right to privacy is as precious and protected as our rights to freedom of religion, our rights to bear arms and our rights to free speech. Over the course of this session, our Majority Leader has asked us on several occasions to favor human rights above all else. Again, today we are asked to make such a decision.

I do not believe that any of us intends to condone or condemn anyone's lifestyle with the passage of Senate Bill No. 466, but rather to protect those rights given to us by our forefathers. I cast my vote today believing my children and the children I represent are safe in their homes, in their schools and in their neighborhoods. It is with a clear conscience that I urge my fellow legislators to support Senate Bill No. 466.

ASSEMBLYMAN GARNER:

Thank you, Mr. Speaker. After giving this issue my most serious consideration, I rise today in opposition to Senate Bill No. 466. In the strongest terms I can express, I urge this house to reject this legislation. From the results of the vote already taken, I may be wasting my time. I cannot help but express myself on this issue. I believe it sent the wrong message to the citizens of our state. It jeopardizes their physical and mental health and

well-being. We have all heard the statement that we should not attempt to legislate morality, and I agree. I do not think we should either, but, at the same time I do not think that we should legislate immorality. With those remarks I would also like to say that I am not standing here out of fear or intimidation or hatred or any such other thing that has been mentioned here today. I just think it is plain wrong and I believe we are making a mistake by passing this bill. Thank you very much.

ASSEMBLYMAN SCHERER:

Thank you, Mr. Speaker. I rise briefly to explain my opposition to this bill. I support the right to privacy. We have heard a lot about that today and I do support it. I do not think that this law should be used against consenting adults in the privacy of their own home, but I feel that we have failed to deal with the ramifications of the law. I feel that we, in a rush to satisfy the interests that support this bill, have failed to be as thorough and as careful as we are with most other measures that come through this body, and for that reason I will be opposing the bill.

Roll call on Senate Bill No. 466:

YEAS—29.

NAYS—Augustine, Bonaventura, Carpenter, Collins, Garner, Hettrick, McGaughey, Marvel, Neighbors, Scherer, Smith, Tiffany—12.

Absent—Haller.

Senate Bill No. 466 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 106, 198, 436, 523; Assembly Concurrent Resolutions Nos. 68, 70.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Leslie Fiske.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Ellen Thompson, Judith Holt, Mary Atcheson, Toni de Salvo, Lucy Nieder, Messrs. Jeffrey Thompson, Harold Thompson, Gordon Thompson and Fred Atcheson.

On request of Assemblyman Gregory, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Kevin Kelly.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Lee Plotkin and Ms. Marilee Joyce.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, June 15, 1993, at 11 p.m.

Motion carried.

Assembly adjourned at 1:37 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FORTY-NINTH DAY

CARSON CITY (Tuesday), June 15, 1993

Assembly called to order at 12:03 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Haller, who was excused.

Prayer by the Chaplain, The Reverend Albert Tilstra.

Our Lord, as we unite in prayer for Your blessings on the members of this body, we know that You are lovingly concerned about the way we live and how we wear ourselves out, taking less care of ourselves than we do of our cars. Bless each one here with good health, and the good sense to preserve it. Bless their families, and may they commit them all to Your care, that no leaden anxiety shall keep any one from doing their best work. We ask all these favors in Your sweet Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 184, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 89, 152, 478, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 159, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 11, 320, 623, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 95, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Transportation, to which was referred Senate Bill No. 95, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Assembly Bill No. 740; Senate Bill No. 437, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 427, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bill No. 741; Senate Bill No. 313, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 14, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 72, 73.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 370, 458.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 246.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 23.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rhoads, Neal and Adler as a first Committee on Conference concerning Senate Joint Resolution No. 7.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Scherer moved that Assembly Bill No. 719 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Scherer.

Motion carried.

Assemblyman Scherer moved that Assembly Bill No. 716 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Scherer.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 715 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Gibbons moved that Assembly Bill No. 575 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Gibbons.

Motion carried.

By the Committee on Taxation:

Assembly Joint Resolution No. 39—Urging Congress to oppose the North American Free Trade Agreement unless certain changes are made.

Assemblyman Price moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Assembly Concurrent Resolution No. 62.

Resolution read.

The following amendment was proposed by Assemblyman Sader:

Amendment No. 898.

Amend the preamble of the resolution, page 1, by deleting lines 12 and 13 and inserting: "location that is not actually upon the person or carried within a container by the person, and therefore it is permissible to carry a weapon in locations such as a vehicle glovebox or under a seat; and".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Resolution ordered reprinted and re-engrossed.

Senate Joint Resolution No. 23:

Assemblyman Porter moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 757—An Act relating to fireworks; authorizing the state fire marshal to adopt regulations regarding the manufacture, sale, use, possession and storage of fireworks; requiring regulations and ordinances adopted by certain governmental entities to be as restrictive as the regulations adopted by the state fire marshal; providing for licensure for certain activities related to fireworks; providing and increasing penalties; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 758—An Act relating to state securities; authorizing the issuance of state securities for general savings or for savings to defray the costs of college; and providing other matters properly relating thereto.

Assemblyman Garner moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 370.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 458.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that for the balance of the Session the reading of the history upon the introduction of Senate bills and resolutions be dispensed with.

Remarks by Assemblyman Porter.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 247.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 808.

Amend the bill as a whole by deleting sections 1 through 7 and the leadlines of repealed sections and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Before adopting, amending or repealing any regulation for the administration of a program of public assistance or any other program for which the welfare division is responsible, the board shall give at least 30 days' notice of its intended action.

2. The notice of intent to act upon a regulation must:

(a) Include a statement of the need for and purpose of the proposed regulation, and either the terms or substance of the proposed regulation or a description of the subjects and issues involved, and of the time when, the place where, and the manner in which, interested persons may present their views thereon.

(b) Include a statement identifying the entities that may be financially affected by the proposed regulation and the potential financial impact, if any, upon local government.

(c) State each address at which the text of the proposed regulation may be inspected and copied.

(d) Be mailed to all persons who have requested in writing that they be placed upon a mailing list, which must be kept by the board for that purpose.

3. All interested persons must be afforded a reasonable opportunity to submit data, views or arguments upon a proposed regulation, orally or in writing. The board shall consider fully all oral and written submissions relating to the proposed regulation.

4. The board shall keep, retain and make available for public inspection written minutes of each public hearing held pursuant to this section in the manner provided in subsections 1 and 2 of NRS 241.035.

5. The board may record each public hearing held pursuant to this section and make those recordings available for public inspection in the manner provided in subsection 4 of NRS 241.035.

6. No objection to any regulation on the ground of noncompliance with the procedural requirements of this section may be made more than 2 years after its effective date.".

Amend the title of the bill to read as follows:

"An Act relating to administrative procedure; requiring the state welfare board to provide written notice before adopting, amending or repealing a regulation; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires state welfare board to provide written notice before adopting regulations. (BDR 38-521)".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 415.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 807.

Amend section 1, page 1, line 4, by deleting "*aggregate*".

Amend section 1, page 1, line 7, by deleting "*aggregate*".

Amend section 1, page 1, line 9, by deleting "*aggregate*".

Amend section 1, page 1, by deleting lines 18 through 21.

Amend sec. 3, page 2, by deleting lines 41 through 44.

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 565.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 809.

Amend section 1, page 1, by deleting line 7 and inserting: "inscribed with the words PEARL HARBOR VETERAN *or PEARL HARBOR SURVIVOR, at the option of the person who qualifies pursuant to this section,* and".

Amend the title of the bill, first line, by deleting "revising the" and inserting: "allowing a different".

Amend the summary of the bill, first line, by deleting "Revises" and inserting "Allows different".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 598.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 829.

Amend section 1, page 1, by deleting lines 3 through 11 and inserting:

"*1. If a child is adjudicated to be a delinquent and he is not less than 15 years of age on the date of the disposition of the case, the court may order the child committed to the custody of the division of child and family services of the department of human resources and order that the child satisfactorily complete a program of regimental discipline for 120 days under the supervision of the administrator. Before assigning a child to a program of regimental discipline, the court must order a physical examination and obtain a statement from a physician indicating that the child:*

(a) Is capable of strenuous physical activity; and

(b) Has no contagious diseases.".

Amend sec. 5, page 4, line 10, by deleting "*hard labor;*" and inserting "*work;*".

Amend sec. 5, page 4, by deleting lines 15 and 16 and inserting:

"*(c) Building character;*

(d) Learning to behave in a rational manner, including techniques for resolving conflicts and disputes without the use of violence; and

(e) The need for a good education and career planning, and techniques to promote success in school.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 603.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 866.

Amend section 1, page 1, line 10, by inserting an italicized comma after "*agency*".

Amend section 1, page 1, by deleting line 11 and inserting: "*of which he is a member, if he has not taken part in developing the contract plans or specifications and he will not be personally involved in opening, considering or accepting offers.*".

Amend sec. 2, page 2, by deleting line 13 and inserting: "local agency , except the board or commission of which he is a member [.] , *if he has not taken part in developing the contract plans or specifications and he will not be personally involved in opening, considering or accepting offers.*".

Amend sec. 3, page 2, line 44, by inserting an italicized comma after "*agency*".

Amend sec. 3, page 2, by deleting line 45 and inserting: "*which he is a member, if he has not taken part in developing the contract plans or specifications and he will not be personally involved in opening, considering or accepting offers.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblymen Sader and Porter.

Conflict of interest declared by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 608.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 637.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 684.

Amend section 1, page 1, by deleting lines 3 through 20 and inserting: "*Evidence of domestic violence as defined in NRS 33.018 and expert testimony concerning the effect of domestic violence on the beliefs, behavior and perception of the person alleging the domestic violence is admissible in chief and in rebuttal, when determining:*

1. Whether a person is excepted from criminal liability pursuant to subsection 8 of NRS 194.010, to show the state of mind of the defendant.

2. Whether a person in accordance with NRS 200.200 has killed another in self-defense, toward the establishment of the legal defense.".

Amend the title of the bill to read as follows:

"An Act relating to evidence; providing under certain circumstances in criminal proceedings for the admissibility of evidence of domestic violence and expert testimony relating to domestic violence; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides under certain circumstances in criminal proceedings for admissibility of evidence of domestic violence and related expert testimony. (BDR 4-2049)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 641.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 899.

Amend sec. 2, page 1, by deleting lines 3 through 5 and inserting:

"Sec. 2. *1. The governing bodies of a county, the largest city, and each other incorporated city which chooses to participate may consolidate the services*".

Amend sec. 2, page 1, by deleting lines 8 through 11.

Amend sec. 2, page 1, line 12, by deleting "*3.*" and inserting "2.".

Amend sec. 3, page 1, by deleting lines 15 and 16 and inserting:

"Sec. 3. *1. In a county in which governmental services are consolidated, the governing bodies may establish a permanent administrative entity to perform specific*".

Amend sec. 3, page 2, line 11, by deleting "*shall contribute*" and inserting: "*may negotiate concerning the manner of contributing*".

Amend sec. 3, page 2, line 13, by deleting "*on property,*" and inserting an italicized comma.

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6, 7 and 8 as sections 5, 6 and 7.

Amend sec. 7, page 3, line 17, by deleting "required or".

Amend sec. 8, page 3, by deleting lines 28 through 34 and inserting:

"Sec. 7. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"An Act relating to local government; authorizing and specifying the manner of consolidating governmental services provided by counties and cities; and providing other matters properly relating thereto.".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblymen Garner, Anderson and Giunchigliani.

Assemblyman Garner moved that Assembly Bill No. 641 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Garner.

Motion carried.

Assembly Bill No. 642.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 702.

Amend section 1, page 1, line 5, by deleting "*A*" and inserting: "*Except as otherwise provided in this section, a*".

Amend section 1, page 1, line 7, after "*more*" by inserting: "*disinterested, competent real estate*".

Amend section 1, page 1, line 9, after "it]" by inserting: "*If there are no disinterested, competent real estate appraisers who are taxpayers of the town, the sale of the property may be made after its actual market value is appraised by one or more disinterested, competent real estate appraisers who are not taxpayers of the town and are appointed by the district judge of the county.*".

Amend the title of the bill to read as follows:

"An Act relating to unincorporated towns; revising the provisions requiring the performance of appraisals before the sale of real or personal property of any unincorporated town; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions requiring performance of appraisals before sale of real or personal property of any unincorporated town. (BDR 21-1541)".

Assemblyman Neighbors moved the adoption of the amendment.

Remarks by Assemblymen Neighbors, Price and Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 644.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 806.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Chapter 373 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A commission may construct, convert, improve, equip and maintain parking facilities or parking spaces for use by the general public and public employees. Such facilities or spaces must be owned and operated by the commission or its agents.

2. The commission may fix and charge reasonable fees for the use of any such parking facilities or spaces.

3. The commission may enter into a contract, lease or other arrangement to provide exclusive parking in designated spaces at any parking facility owned, leased or operated by the commission.".

Amend the title of the bill to read as follows:

"An Act relating to parking; expanding the authority of counties to establish parking facilities and spaces; authorizing a regional transportation commission to establish parking facilities and spaces; authorizing a board of county commissioners or regional transportation commission to enter into agreements to provide exclusive parking in designated parking spaces in such facilities; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "counties" and inserting: "certain local governments".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 653.
Bill read second time.
The following amendment was proposed by the Committee on Government Affairs:
Amendment No. 736.
Amend section 1, page 1, by deleting lines 6 through 20 and inserting: "thereon, situate, lying and being in the County of Mineral, State of Nevada, and more particularly described as being a portion of the NE ¼ of the SE ¼ of Section 35, T. 13 N., R. 28 E., M.D.M., and more fully described by metes and bounds as follows, to wit:
Beginning at a point on the left or westerly right-of-way line of US-95, 50.00 feet left of and at right angles to Highway Engineer's Station "0" 48+39.20 P.O.T.; said point of beginning further described as bearing N. 0°58′51″ W., a distance of 2,234.76 feet from the southeast corner of Section 35, T. 13 N., R. 28 E., M.D.M.; thence N. 89°56′27″ W., a distance of 359.43 feet to a point; thence N. 0°03′33″ E., a distance of 200.00 feet to a point; thence S. 89°56′27″ E., a distance of 359.40 feet to a point on said left or westerly right-of-way line of US-95; thence S. 0°02′55″ W., along said westerly right-of-way line a distance of 200.00 feet to the point of beginning; said parcel contains an area of 71,883 square feet (1.65 acres), more or less.".
Amend sec. 2, page 1, line 24, after "Nevada," by inserting: "*excepting therefrom the lands*".
Assemblyman Garner moved the adoption of the amendment.
Remarks by Assemblyman Garner.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 669.
Bill read second time.
The following amendment was proposed by the Committee on Commerce:
Amendment No. 778.
Amend the bill as a whole by deleting sec. 9 and inserting:
"Sec. 9. (Deleted by amendment.)".
Amend the title of the bill, second line, by deleting "escrow and".
Assemblyman Porter moved the adoption of the amendment.
Remarks by Assemblyman Porter.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 705.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 828.

Amend section 1, page 1, line 12, after "*proceeding.*" by inserting: "*No person who attends a meeting of any such committee may be required to testify concerning the proceedings at the meeting.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 718.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 721.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 798.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend the bill as a whole by deleting sections 3 through 12 and renumbering sec. 13 as sec. 2.

Amend the title of the bill by deleting the first through fourth lines and inserting:

"An Act relating to contractors; allowing certain employees of the state contractors' board".

Amend the summary of the bill by deleting "54-1796)" and inserting "14-1796)".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 37.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 10.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 751.

Amend the bill as a whole by deleting sections 1 through 3 and the text of repealed section and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 484.3796 is hereby amended to read as follows:

484.3796 1. Before sentencing an offender pursuant to NRS 484.3795 or paragraph (c) of subsection 1 of NRS 484.3792, the court shall require that the offender be evaluated to determine whether he is an abuser of alcohol or drugs and whether he can be treated successfully for his condition.

2. The evaluation must be conducted by:

(a) A counselor certified to make such an evaluation by the bureau of alcohol and drug abuse of the rehabilitation division of the department of human resources; [or]

(b) A physician certified to make such an evaluation by the board of medical examiners [.] *; or*

(c) A psychologist certified to make such an evaluation by the board of psychological examiners.

3. The counselor [or physician] *, physician or psychologist* who conducts the evaluation shall immediately forward the results of the evaluation to the director of the department of prisons.

Sec. 2. NRS 176.145 is hereby amended to read as follows:

176.145 1. The report of the presentence investigation must contain:

(a) Any prior criminal record of the defendant;

(b) Such information about his characteristics, his financial condition, the circumstances affecting his behavior and the circumstances of the offense, as may be helpful in imposing sentence, in granting probation or in the correctional treatment of the defendant;

(c) Information concerning the effect that the crime committed by the defendant has had upon the victim, including, but not limited to, any physical or psychological harm or financial loss suffered by the victim, to the extent that such information is available from the victim or other sources, but the provisions of this subsection do not require any particular examination or testing of the victim, and the extent of any investigation or examination is solely at the discretion of the court or department and the extent of such information to be included in the report is solely at the discretion of the department;

(d) Information concerning whether he has an obligation for the support of a child, and if so, whether he is in arrears in payment on that obligation;

(e) *The results of the evaluation of the defendant conducted pursuant to NRS 484.3796, if an evaluation is required pursuant to that section;*

(f) A recommendation of a definite term of confinement or an amount of fine, or both;

[(f)] *(g)* A recommendation, if the department deems it appropriate, that the defendant undergo a program of regimental discipline pursuant to NRS 176.2248; and

[(g)] *(h)* Such other information as may be required by the court.

2. The department of parole and probation may include in the report such information, without limitation, as it believes will be helpful in imposing sentence, in granting probation or in correctional treatment.

Sec. 3. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 1993.".

Amend the title of the bill to read as follows:

"An Act relating to criminal offenders; requiring a report of a presentence investigation to include the evaluation of the defendant conducted to determine if he is an abuser of alcohol or drugs and eligible for a program of treatment; authorizing certain psychologists to conduct such evaluations; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions relating to evaluation of certain persons convicted of driving under influence of alcohol or controlled substances to determine if such persons are eligible for program for treatment. (BDR 43-665)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 168.

Bill read second time and ordered to third reading.

Senate Bill No. 201.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 726.

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sec. 4 as sec. 2.

Amend the title of the bill to read as follows:

"An Act relating to financial institutions; prohibiting the factoring of drafts on credit cards; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Prohibits factoring of drafts on credit cards. (BDR 8-289)".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that Assembly Bill No. 641 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Garner.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 212.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 779.

Amend sec. 2, page 2, by deleting lines 12 through 14 and inserting:

"(k) Form of business organization (corporate or otherwise).".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 262.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 813.

Amend section 1, page 1, line 12, by deleting the open bracket.

Amend section 1, page 1, line 13, by deleting "$20.]" and inserting: "[$20.] *$15 unless waived by the department pursuant to subsection 2.*".

Amend section 1, page 1, line 15, after "2." by inserting: "*The department may waive the annual fee for a renewal sticker if the applicant for renewal:*

(a) Submits with his application for renewal a statement under penalty of perjury that he will assist in communications during local, state and federal emergencies; and

(b) Satisfies any other requirements established by the department by regulation for such a waiver.

3.".

Amend section 1, page 1, by deleting lines 18 through 21 and inserting: "[3.] *4.* The department may adopt regulations [to] *:*

(a) To ensure compliance with all state license laws relating to the use and operation of a motor vehicle before issuance of the plates in lieu of the regular Nevada license plate or plates . [, and all]

(b) Setting forth the requirements and procedure for obtaining a waiver of the annual fee for a renewal sticker.

5. All applications for the plates *authorized by this section* must be made to the department.".

Amend the title of the bill, third line, by deleting "eliminating" and inserting: "reducing and allowing a waiver of".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 442.

Bill read second time and ordered to third reading.

Assembly Bill No. 641.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 899.

Amend sec. 2, page 1, by deleting lines 3 through 5 and inserting:

"Sec. 2. *1. The governing bodies of a county, the largest city, and each other incorporated city which chooses to participate may consolidate the services*".

Amend sec. 2, page 1, by deleting lines 8 through 11.

Amend sec. 2, page 1, line 12, by deleting "*3.*" and inserting "2.".

Amend sec. 3, page 1, by deleting lines 15 and 16 and inserting:

"Sec. 3. *1. In a county in which governmental services are consolidated, the governing bodies may establish a permanent administrative entity to perform specific*".

Amend sec. 3, page 2, line 11, by deleting "*shall contribute*" and inserting: "*may negotiate concerning the manner of contributing*".

Amend sec. 3, page 2, line 13, by deleting "*on property,*" and inserting an italicized comma.

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6, 7 and 8 as sections 5, 6 and 7.

Amend sec. 7, page 3, line 17, by deleting "required or".

Amend sec. 8, page 3, by deleting lines 28 through 34 and inserting:

"Sec. 7. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"An Act relating to local government; authorizing and specifying the manner of consolidating governmental services provided by counties and cities; and providing other matters properly relating thereto.".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblymen Garner, Anderson and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 204.

Bill read third time.

Remarks by Assemblyman Wendell Williams.

Roll call on Assembly Bill No. 204:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 204 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 578.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 578:

YEAS—38.

NAYS—None.

Absent—Haller.

Not voting—Carpenter, Sader, Scherer—3.

Assembly Bill No. 578 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 604.

Bill read third time.

Remarks by Assemblymen Petrak, Neighbors, Sader, Smith and Myrna Williams.

Roll call on Assembly Bill No. 604:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 604 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 16, 309, 363, 441 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 719.

Bill read third time.

The following amendment was proposed by Assemblymen Sader and Scherer:

Amendment No. 900.

Amend section 1, page 1, line 4, after "*communications*" by inserting: "*to a legislator*".

Amend section 1, page 1, line 5, after the period by inserting: "*It is unlawful to misrepresent any fact knowingly when testifying or otherwise communicating to a legislator.*".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblymen Scherer and Carpenter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 715.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 796.

Amend section 1, page 1, line 10, after "*3.*" by inserting: "*The provisions of this section do not apply if the contractor in compliance with other statutes, ordinances or regulations has posted a performance bond with another entity if the conditions of the bond are sufficient, in the opinion of the appropriate public authority, to satisfy the purposes of this section.*

4.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 759—An Act relating to dispensing opticians; authorizing refraction by specially licensed dispensing opticians; providing additional procedures for professional discipline; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Commerce.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 72, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be receded from.

LOUIS A. TOOMIN	WILLIAM R. O'DONNELL
WILLIAM A. PETRAK	BOB COFFIN
DEAN A. HELLER	RANDOLPH J. TOWNSEND
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Toomin moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 72.

Remarks by Assemblyman Toomin.

Motion carried.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 469; Senate Bills Nos. 222, 246, 351, 382, 388, 393.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Rena Keaster.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Angie Wallin.

On request of Assemblyman Kenny, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Bill Griffin and Mrs. Hye Jung Griffin.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Les Bradshaw.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Laura Keaster.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, June 16, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 1:21 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTIETH DAY

CARSON CITY (Wednesday), June 16, 1993

Assembly called to order at 11:04 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Haller, who was excused.

Prayer by the Chaplain, The Reverend Albert Tilstra.

O Lord, our God, we seek Your guidance on this day. We do not ask to see the distant scene, knowing that we can take only one step at a time. Make the first step plain to us, that we may see where our duty lies, but give us a push, that we may start in the right direction. These things we ask of You who knows the end from the beginning.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Senate Bill No. 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Senate Bill No. 380, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 652, 703, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 163, 278, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Assembly Bill No. 659; Senate Bill No. 108, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 15, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 77, 540, 561.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 393, 430, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 491.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 257, 322, 408.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 72.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 62.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblyman Porter.

Resolution adopted, as amended.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 760—An Act relating to motor carriers; imposing a mileage fee upon certain motor carriers; providing exemptions from taxes on motor vehicle fuel and special fuel; providing that a special fuel user's license is not required of certain operators of motor vehicles; decreasing the registration fees of certain vehicles; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Education:

Assembly Bill No. 761—An Act relating to school personnel; specifying the relationship between certain statutory and regulatory provisions regarding absences of school personnel and the provisions of a collective bargaining agreement with a school district; and providing other matters properly relating thereto.

Assemblyman Wendell Williams moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 257.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 322.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 408.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 491.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 11.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 880.

Amend section 1, page 1, line 19, by deleting "[$1,000.] *$3,000.*" and inserting "$1,000.".

Amend the title of the bill by deleting the second through fourth lines and inserting: "trustees to request a tax on residential construction; and providing other matters".

Amend the summary of the bill by deleting the second and third lines and inserting: "construction. (BDR 34-234)".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 320.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 879.

Amend sec. 2, pages 1 and 2, by deleting lines 22 through 26 on page 1 and lines 1 through 12 on page 2, and inserting:

"Sec. 5.020 Primary elections; declaration of candidacy.

1. Except as otherwise provided in this subsection, a candidate for any office to be voted for at an election shall file an affidavit of candidacy with the city clerk not less than 30 nor more than 40 days before the day of the primary election. A candidate for any office to be voted for at an election held after June 1995 shall file an affidavit of candidacy with the city clerk not earlier than January 1 of the year in which the election is to be held nor later than 5 p.m. on the second Tuesday in May. The city clerk shall charge and collect from the candidate and the candidate shall pay to the city clerk, at the

time of filing the affidavit of candidacy, a filing fee of $25 for filing an affidavit of candidacy. All filing fees so collected by the city clerk must be deposited to the credit of the general fund of the city.

2. If for any general municipal election held before July 1995, there are three or more candidates for any office to be filled at that election, a primary election for any such office must be held on the Tuesday following the first Monday in May preceding the general election. If for any general municipal election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary municipal election but must be placed on the ballot for the general election.

3. If for any general election held after June 1995, there are three or more candidates for any office to be filled at that election, a primary election for any such office must be held on the first Tuesday in September preceding the general election. If for any general election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general election.

4. In the primary election [, the] :".

Amend sec. 2, page 2, line 15, by deleting "[shall] *must*" and inserting "must".

Amend sec. 2, page 2, line 21, by deleting "*4.*" and inserting "*5.*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 427.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 878.

Amend section 1, page 1, line 3, by deleting "*It*" and inserting: "*Except as otherwise provided in subsection 2, it*".

Amend section 1, page 1, line 6, after "2." by inserting: "*A pupil may carry or possess a beeper, portable telephone or other similar device on school grounds if he is expressly authorized in writing to do so by the superintendent or board of trustees of the county school district.*

3.".

Amend the title of the bill, second line, after "grounds;" by inserting: "providing an exception;".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 623.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 811.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 459.735 is hereby amended to read as follows:

459.735 1. The contingency account for hazardous materials is hereby created in the state general fund.

2. The commission shall administer the contingency account for hazardous materials, and the money in the account may be expended only for:

(a) Carrying out the provisions of NRS 459.735 to 459.770, inclusive;

(b) Carrying out the provisions of Public Law 99-499 [;] *and Title I of Public Law 93-633;*

(c) Maintaining and supporting the operations of the commission and local emergency planning committees;

(d) Training and equipping state and local personnel to respond to accidents and incidents involving hazardous materials; and

(e) Operation of training programs and a training center for handling emergencies relating to hazardous materials and related fires pursuant to NRS 477.045.

3. All *money received by this state as a result of Public Law 99-499 or Title I of Public Law 93-633 must be deposited with the state treasurer to the credit of the contingency account for hazardous materials. In addition, all* money received by the commission from any source must be deposited with the state treasurer to the credit of the contingency account for hazardous materials. The state controller shall transfer from the contingency account to the operating account of the state fire marshal such money collected pursuant to chapter 477 of NRS as is authorized for expenditure in the budget of the state fire marshal for use pursuant to paragraph (e) of subsection 2. The interest and income earned on the money in the contingency account, after deducting any applicable charges, must be credited to the account.

4. All claims against the contingency account for hazardous materials must be paid as other claims against the state are paid.".

Amend section 1, page 1, line 18, by deleting "*and*".

Amend section 1, page 1, by deleting lines 21 through 24 and inserting:

"*(a) Allocate money received by the division which relates to hazardous materials or is received pursuant to Public Law 99-499 or Title I of Public Law 93-633; and*

(b) Approve programs developed to address planning for and responding to emergencies involving hazardous materials; and

9. Coordinate the activities administered by state agencies to carry out the provisions of chapter 459 of NRS, Public Law 99-499 and Title I of Public Law 93-633.".

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding a new section designated sec. 3, following section 1, to read as follows:

"Sec. 3. Section 3 of Assembly Bill No. 126 of this session is hereby amended to read as follows:

Sec. 3. NRS 459.735 is hereby amended to read as follows:

459.735 1. The contingency account for hazardous materials is hereby created in the state general fund.

2. The commission shall administer the contingency account for hazardous materials, and the money in the account may be expended only for:

(a) Carrying out the provisions of NRS 459.735 to 459.770, inclusive [;] , *and section 1 of this act;*

(b) Carrying out the provisions of Public Law 99-499 and Title I of Public Law 93-633;

(c) Maintaining and supporting the operations of the commission and local emergency planning committees;

(d) Training and equipping state and local personnel to respond to accidents and incidents involving hazardous materials; and

(e) Operation of training programs and a training center for handling emergencies relating to hazardous materials and related fires pursuant to NRS 477.045.

3. All money received by this state as a result of Public Law 99-499 or Title I of Public Law 93-633 must be deposited with the state treasurer to the credit of the contingency account for hazardous materials. In addition, all money received by the commission from any source must be deposited with the state treasurer to the credit of the contingency account for hazardous materials. The state controller shall transfer from the contingency account to the operating account of the state fire marshal such money collected pursuant to chapter 477 of NRS as is authorized for expenditure in the budget of the state fire marshal for use pursuant to paragraph (e) of subsection 2. The interest and income earned on the money in the contingency account, after deducting any applicable charges, must be credited to the account.

4. All claims against the contingency account for hazardous materials must be paid as other claims against the state are paid.''.

Amend the title of the bill, first line, after ''response commission;'' by inserting: ''requiring certain money received by the state to be deposited in the contingency account for hazardous materials;''.

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 740.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 741.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 89.

Bill read second time and ordered to third reading.

Senate Bill No. 95.

Bill read second time and ordered to third reading.

Senate Bill No. 152.

Bill read second time and ordered to third reading.

Senate Bill No. 159.
Bill read second time and ordered to third reading.

Senate Bill No. 184.
Bill read second time.
The following amendment was proposed by Health and Human Services:
Amendment No. 814.
Amend sec. 2, page 1, by deleting line 22 and inserting: "*within 24 hours after being presented with the certificate.*".
Assemblyman Gibbons moved the adoption of the amendment.
Remarks by Assemblyman Gibbons.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that for the balance of the Session the reading of the history on Senate bills and resolutions on the Second Reading File be dispensed with.
Remarks by Assemblyman Porter.
Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 313.
Bill read second time and ordered to third reading.

Senate Bill No. 437.
Bill read second time and ordered to third reading.

Senate Bill No. 478.
Bill read second time and ordered to third reading.

Senate Bill No. 503.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 19.
Bill read third time.
Remarks by Assemblymen Arberry and Giunchigliani.
Roll call on Assembly Bill No. 19:
YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 19 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spitler moved that Assembly Bill No. 608 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Spitler.
Motion carried.

Assemblyman Wendell Williams moved that Senate Bill No. 16 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Wendell Williams.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 575 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 618 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Garner moved that Assembly Joint Resolution No. 37 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Garner.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 468.

Bill read third time.

Remarks by Assemblyman Wendell Williams.

Assemblyman Collins requested that Assemblyman Wendell Williams' remarks be entered in the Journal.

Thank you, Mr. Speaker. Assembly Bill No. 468 makes changes in the Las Vegas Clark County Library District, a consolidated library district, that deals with accountability in the way finances are handled.

One of the major problems that exists now with the Las Vegas Clark County Library District is the fact that it is independently financed. Often times, many of my colleagues' concerns on local issues are how this body deals with local government. I need to remind my colleagues this problem came about because the current situation was brought about by the legislature.

Unlike other government agencies, its funds are derived from taxes, mostly property and sales taxes, earmarked exclusively for libraries. This means the library district never has to appear before an elected body to obtain its annual financing, thus allowing the district to be unaccountable.

Mr. Speaker, if I may briefly go back to 1981 and talk about how this situation came about. First, in the fiscal year of 1991 and 1992, the Las Vegas Clark County Library District collected $11.5 million in revenues. This does not include the $80 million bond issue that was authorized in 1991. The financial situation that is very posh came about basically through two events. The first event took place during the 1981 session, and the second event took place during the 1983 session. In 1983, the library disregarded state law. In 1985, the library district came to the legislature and misled legislators.

In 1981, as you know, the legislature put caps on property tax. Two years later, during the 1985 legislative session, many of our local governments came to the legislature and complained about the property tax being too stringent, and they needed more flexibility. During that session, a compromise was worked out and eventually a bill was drafted to allow local governments to raise property taxes, but there was a stipulation. If those property taxes were raised, voters could sign petitions forcing a roll-back election. Clark County entities promptly boosted property tax rates causing many roll-back petitions.

I do not need to tell you what happened last week with the bonds that were presented to the voters. In 1985, Mr. Speaker, in every single instance where the question appeared on

the ballot, the higher levels of property taxes were rejected by the voters in Clark County. The 1985 bill presented in the legislature, Assembly Bill No. 449, stated, "Each local government shall, on or before June 7, 1983, publish in a newspaper of general circulation in its territory, a notice which is at least one-quarter of a page in size, setting forth the rate of property tax and advising citizens that the escalating rate could be rolled back, and outlining the procedure for doing so." Under Nevada Revised Statutes, local governments include special districts which encompass the Las Vegas Clark County Library District, and is subject to the provisions of Assembly Bill No. 449.

I am here to inform members of this body, the district never purchased the mandated ad, so the heightened property tax rate was never reduced. Accordingly, the tax hike was illegal.

Let us talk just for a second about money. During the fiscal year of 1982-1983, the district collected $290,945 in property taxes. The following year, after the illegal property tax hike, they collected an increase of 118 percent in property taxes. However, the 1983 property tax overpayment was not a one-shot deal. The compounded interest on this money, over ten years, cost the taxpayers of Clark County over $10 million. Believe it or not, this is just a small amount of money compared to what happened in 1985 when the district came back to the legislature. At that time, the district was under Clark County control and had to have its budget approved by the county commissioners.

During the 1985 legislative session, the library district introduced Senate Bill No. 158 and asked that it be declared an emergency measure, and took it back to the spring elections, and became a consolidated district. During the hearing on Senate Bill No. 158, the current Majority Leader in the Senate asked this question, "If the consolidated library is created, will it have a negative financial impact on other local entities in Clark County?" The district administrator responded, "Absolutely, not." Later, legislators found out that that was not the truth. They had been misled, leaving a big hole in property tax revenue for local governments.

Finally, it left no scrutiny by any elected body. Prior to 1985, the library district received their funding from property and sales taxes and motor vehicle privilege taxes. In fiscal year of 1984-1985, the district received $668,433 in property taxes, and $1,344,806 in sales taxes for a total of $2,013,239. After this measure was passed in the legislature in 1985, the following year the increase was as follows: in property taxes, they received $2,438,576, and in sales taxes $2,370,058, an increase of 122 percent. Legislators were misled on this. Now we have a problem.

From 1987 to 1991, the figure has increased to over $10 million. Without an accountability of checks and balances as we have now, the voters in Clark County deserve more. Legislators were misled and because we created this situation, here is one chance to straighten it out. The second thing we should do is have the money not going directly to this entity. My distinguished colleague from District No. 7, members of the Ways and Means Committee, the Taxation Committee, and all of us want to find ways to use tax dollars in the most efficient and accountable way. We are struggling to find money to fund things that we need for the people in this state. Here, we have $10 million that is being taken directly from the taxpayers, no elected body reviewing or approving the budget and there is no accountability on the spending. This bill was endorsed by both the City of Las Vegas and the Clark County Commission. They have no recourse other than appointing non-elected people to this board who are spending millions of dollars. There is no accountability and there are no procedures for putting things out to bid. There is no policy for promotions and hiring or anything like that. The legislature, in 1981, missed the point on this one. Here is a chance, in 1993, to take the burden off taxpayers and place some accountability, and show the people that we care about their tax dollars by passing this measure. I ask my colleagues in this body to support this measure. Let us move forward with accountability in government. Thank you, very much.

Roll call on Assembly Bill No. 468:

YEAS—40.

NAYS—Bennett.

Absent—Haller.

Assembly Bill No. 468 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 500.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Assembly Bill No. 500:

YEAS—39.

NAYS—Bonaventura, Porter—2.

Absent—Haller.

Assembly Bill No. 500 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 602.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Assembly Bill No. 602:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 602 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 678.

Bill read third time.

Remarks by Assemblyman Regan.

Roll call on Assembly Bill No. 678:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 678 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 718.

Bill read third time.

Remarks by Assemblyman Kenny.

Roll call on Assembly Bill No. 718:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 718 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:47 a.m.

ASSEMBLY IN SESSION

At 11:55 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 744, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 575.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 914.

Amend the bill as a whole by renumbering section 1 as sec. 24 and sections 2 through 24 as sections 1 through 23.

Amend section 1, page 1, line 28, by inserting an open bracket before the colon.

Amend section 1, page 2, line 1, by deleting the open bracket before "Sheriffs".

Amend section 1, page 2, by deleting lines 8 through 12 and inserting:

"(6) Any other officer or employee of state or local government upon whom some or all of the powers of a peace officer are conferred by specific statute.] *any person upon whom some or all of the powers of a peace officer are conferred pursuant to sections 2 to 23, inclusive, of this act.*".

Amend sec. 2, page 2, line 13, by deleting "289" and inserting "281".

Amend sec. 2, page 2, line 14, by deleting: "3 to 24," and inserting: "2 to 23,".

Amend sec. 3, page 2, by deleting lines 24 and 25.

Amend sec. 9, page 3, by deleting lines 35 through 39.

Amend the bill as a whole by deleting sec. 17 and inserting:

"Sec. 16. (Deleted by amendment.)".

Amend sec. 23, page 6, line 16, by deleting: "*University of Nevada System,*" and inserting: "*University and Community College System of Nevada,*".

Amend sec. 23, page 6, line 19, by deleting: "*University of Nevada System,*" and inserting: "*University and Community College System of Nevada,*".

Amend sec. 23, page 6, lines 22 and 23, by deleting: "*University of Nevada System;*" and inserting: "*University and Community College System of Nevada;*".

Amend sec. 23, page 6, lines 26 and 27, by deleting: "*University of Nevada System*" and inserting: "*University and Community College System of Nevada*".

Amend sec. 23, page 6, line 28, by deleting: "*University of Nevada System*" and inserting: "*University and Community College System of Nevada*".

Amend sec. 23, page 6, line 31, by deleting "*university.*" and inserting: "*University and Community College System of Nevada.*".

Amend sec. 23, page 6, line 33, by deleting "*university*" and inserting: "*University and Community College System of Nevada*".

Amend sec. 23, page 6, line 35, by deleting "*university*" and inserting: "*University and Community College System of Nevada*".

Amend sec. 23, page 6, line 36, by deleting "*university.*" and inserting: "*University and Community College System of Nevada.*".

Amend sec. 25, page 7, by deleting line 13 and inserting: "289.010 As used in this chapter,".

Amend sec. 25, page 7, line 15, by inserting an open bracket before the colon.

Amend sec. 25, page 7, line 16, by deleting the open bracket before "Sheriffs".

Amend sec. 25, page 7, by deleting lines 23 through 26 and inserting:

"(f) Any other officer or employee of state or local government upon whom some or all of the powers of a peace officer are conferred by specific statute.] *any person upon whom some or all of the powers of a peace officer are conferred pursuant to sections 2 to 23, inclusive, of this act.*".

Amend the bill as a whole by deleting sections 26 and 27 and renumbering sections 28 through 47 as sections 26 through 45.

Amend sec. 30, page 9, line 12, by deleting "The" and inserting: "In each judicial district which includes a county whose population is 400,000 or more, the".

Amend sec. 30, page 9, line 15, after "department and" by inserting "the".

Amend sec. 31, page 9, line 28, by inserting an open bracket before the colon.

Amend sec. 31, page 9, line 29, by deleting the open bracket before "The".

Amend sec. 31, page 9, by deleting lines 39 through 42 and inserting:

"7. Any other officer or employee of state or local government upon whom some or all of the powers of a peace officer are conferred by specific statute.] *any person upon whom some or all of the powers of a peace officer are conferred pursuant to sections 2 to 23, inclusive, of this act.*".

Amend sec. 32, page 10, line 7, by deleting "*14*" and inserting "*13*".

Amend sec. 32, page 10, line 12, by deleting "*5*" and inserting "*4*".

Amend sec. 32, page 10, line 14, by deleting "*5*" and inserting "*4*".

Amend sec. 40, page 12, line 36, by deleting "1." and inserting "[1.]".

Amend sec. 40, page 12, line 41, by deleting "2. [For" and inserting "[2. For".

Amend sec. 40, page 12, line 46, by deleting the closed bracket.

Amend sec. 40, page 13, line 2, by inserting a closed bracket after the period.

Amend sec. 43, page 13, line 30, by deleting: "University of Nevada System" and inserting "system".

Amend sec. 43, page 13, line 39, by deleting: "University of Nevada System," and inserting "system,".

Amend sec. 43, page 13, lines 42 and 43, by deleting: "University of Nevada System;" and inserting "system;".

Amend sec. 43, page 13, by deleting line 44 and inserting: "(d) In accordance with interlocal agree-".

Amend sec. 43, page 13, line 45, by deleting the period and inserting: "pursuant to subsection 3.".

Amend sec. 43, page 13, lines 46 and 47, by deleting: "University of Nevada System" and inserting "system".

Amend sec. 43, page 14, line 2, by deleting "university." and inserting "system.".

Amend sec. 43, page 14, line 4, by deleting "university" and inserting "system".

Amend sec. 43, page 14, line 6, by deleting "university" and inserting "system".

Amend sec. 43, page 14, line 7, by deleting "university." and inserting "system.".

Amend sec. 45, page 14, line 33, by deleting "recreation" and inserting "recreational".

Amend sec. 45, page 14, line 35, by deleting "it" and inserting "the division".

Amend sec. 45, page 14, line 44, by deleting "it" and inserting "the division".

Amend sec. 45, page 15, line 3, by deleting "them, which" and inserting: "them. Except as otherwise provided in subsection 1 of section 1 of [this act,] *Senate Bill No. 319 of this session,* the fees collected pursuant to this subsection".

Amend sec. 47, page 17, by deleting lines 31 and 32 and inserting: "[, who have the powers of peace officers, but are not police officers or firemen for the purposes of NRS 286.510.]".

Amend the bill as a whole by deleting sec. 48 and renumbering sections 49 through 52 as sections 46 through 49.

Amend sec. 50, page 19, by deleting line 2 and inserting: "[4. The administrators and the investigators of the bureau have the powers".

Amend sec. 50, page 19, line 4, by deleting the closed bracket.

Amend sec. 50, page 19, by deleting line 6 and inserting "firemen.]".

Amend sec. 51, page 19, by deleting line 22 and inserting: "[4. Officers and investigators have the powers of peace officers in carrying".

Amend sec. 51, page 19, line 23, by deleting the closed bracket.

Amend sec. 51, page 19, line 24, by inserting a closed bracket after the period.

Amend the bill as a whole by renumbering sections 53 through 59 as sections 51 through 57 and inserting a new section designated sec. 50, following sec. 52, to read as follows:

"Sec. 50. NRS 481.054 is hereby amended to read as follows:

481.054 The [following officers and employees of state and local government must be certified by the committee:

1. The bailiff of the supreme court;

2. The bailiffs of the district courts, justices' courts and municipal courts whose duties require them to carry weapons and make arrests;

3. Sheriffs of counties and of metropolitan police departments, their deputies and correctional officers;

4. Constables and their deputies whose official duties require them to carry weapons and make arrests;

5. Personnel of the Nevada highway patrol appointed to exercise the police powers specified in NRS 481.150 and 481.180;

6. Inspectors employed by the public service commission of Nevada who exercise those powers of enforcement conferred by chapters 704, 705 and 706 of NRS;

7. Marshals, policemen and correctional officers of cities and towns;

8. Parole and probation officers;

9. Special investigators who are employed full time by the office of any district attorney or the attorney general;

10. Investigators of arson for fire departments who are specially designated by the appointing authority;

11. Members of the police department of the University and Community College System of Nevada;

12. The assistant and deputies of the state fire marshal;

13. The brand inspectors of the state department of agriculture who exercise the powers of enforcement conferred in chapter 565 of NRS;

14. Investigators for the state forester firewarden who are specially designated by him and whose primary duties are the investigation of arson;

15. The superintendents and correctional officers of the department of prisons;

16. Employees of the division of state parks of the state department of conservation and natural resources designated by the administrator of the division who exercise police powers specified in NRS 407.065;

17. School police officers employed by the board of trustees of any county school district;

18. Agents of the state gaming control board who:

(a) Exercise the powers of enforcement specified in NRS 463.140 or 463.1405; or

(b) Investigate a violation of a provision of chapter 205 of NRS in the form of a crime against property of a gaming licensee,

except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

19. The chief, investigators and agents of the investigation division of the department of motor vehicles and public safety;

20. Investigators and administrators of the bureau of enforcement of the registration division of the department of motor vehicles and public safety who exercise the police powers specified in NRS 481.048;

21. Officers and investigators of the section for the control of emissions from vehicles of the registration division of the department of motor vehicles and public safety who exercise the police powers specified in NRS 481.0481;

22. The personnel of the department of wildlife who exercise those powers of enforcement conferred by Title 45 and chapter 488 of NRS;

23. Legislative police officers of the State of Nevada;

24. Police officers of the buildings and grounds division of the department of general services;

25. Parole counselors of the division of child and family services of the department of human resources;

26. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in Nevada whose official duties require them to enforce court orders on juvenile offenders and make arrests;

27. Field investigators of the taxicab authority; and

28. Security officers employed full time by a city or county whose official duties require them to carry weapons and make arrests.] *persons upon whom some or all of the powers of a peace officer are conferred pursuant to sections 2 to 23, inclusive, of this act must be certified by the committee, except:*

1. The chief parole and probation officer;

2. The director of the department of prisons;

3. The state fire marshal;

4. The director of the department of motor vehicles and public safety, the deputy directors of the department, and the chiefs of the divisions of the department other than the investigation division;

5. The commissioner of insurance and his chief deputy;

6. Railroad policemen; and

7. California correctional officers.".

Amend sec. 55, page 20, by deleting lines 39 through 41 and inserting: "*section 11 of this act, section 12 of this act, subsection 3 of section 13 of this act, section 14 of this act, subsection 4 of section 15 of this act, or section 19 or 21 of this act.*".

Amend the bill as a whole by deleting sections 60 and 61 and renumbering sections 62 through 67 as sections 58 through 63.

Amend sec. 67, page 23, line 47, by inserting "1." before "NRS".

Amend sec. 67, page 23, line 48, by inserting "477.015," after "392.460,".

Amend sec. 67, page 23, after line 48, by inserting:

"2. Section 181 of Senate Bill No. 314 of this session is hereby repealed.".

Amend the bill as a whole by renumbering sec. 68 as sec. 65 and adding a new section designated sec. 64, following sec. 67, to read as follows:

"Sec. 64. Section 5 of Senate Bill No. 392 of this session is hereby amended to read as follows:

Sec. 5. [1.] In each judicial district which includes a county whose population is 100,000 or more but less than 400,000, the probation officer under the general supervision of the director of juvenile services and with the advice of the committee for juvenile services shall organize, direct and develop the administrative work of the department of juvenile services and the detention home, including the social, financial and clerical work, and he shall perform such other duties as the director of juvenile services directs. All information obtained in the discharge of an official duty by an officer or other employee of the court is privileged and must not be disclosed to anyone other than the director of juvenile services and others entitled under this chapter to receive such information, unless otherwise permitted by the director of juvenile services.

[2. Probation officers and assistant probation officers who are required to be certified by NRS 481.054 have the same powers as peace officers when performing duties pursuant to this chapter, NRS 213.220 to 213.290, inclusive, or chapter 432B of NRS, including the power to arrest an adult criminal offender encountered while in the performance of those duties.]".

Amend sec. 68, page 24, line 1, by deleting: "Section 32 of this act becomes" and inserting: "Sections 28, 30 and 64 of this act become".

Amend the leadlines of repealed sections to read as follows:

"LEADLINES OF REPEALED SECTIONS AND TEXT OF REPEALED SECTION OF STATUTES OF NEVADA

62.125 Director of juvenile services: Powers of peace officer.

209.171 Duties for which designated officers and employees have powers and privileges of peace officers.

210.270 When officers and employees of school have powers of peace officers.

210.700 When officers and employees of school have powers of peace officers.

210.745 When chief and parole officers have powers of peace officers.

212.210 Power to maintain and retake custody of prisoner.

213.1097 Parole and probation officers have powers of peace officers.

218.6857 Powers of legislative police officers.

392.460 Protection and discipline of children.

477.015 State fire marshal, assistant and deputies: Powers of peace officers; limitation on retirement.

481.073 Chiefs of divisions have powers of peace officers.

562.500 Inspectors have powers of peace officers.

Section 181 of Senate Bill No. 314 of this session:

Sec. 181. NRS 481.054 is hereby amended to read as follows:

481.054 The following officers and employees of state and local government must be certified by the committee:

1. The bailiff of the supreme court;
2. The bailiffs of the district courts, justices' courts and municipal courts whose duties require them to carry weapons and make arrests;
3. Sheriffs of counties and of metropolitan police departments, their deputies and correctional officers;
4. Constables and their deputies whose official duties require them to carry weapons and make arrests;
5. Personnel of the Nevada highway patrol appointed to exercise the police powers specified in NRS 481.150 and 481.180;
6. Inspectors employed by the public service commission of Nevada who exercise those powers of enforcement conferred by chapters 704, 705 and 706 of NRS;
7. Marshals, policemen and correctional officers of cities and towns;
8. Parole and probation officers;
9. Special investigators who are employed full time by the office of any district attorney or the attorney general;
10. Investigators of arson for fire departments who are specially designated by the appointing authority;
11. Members of the police department of the University [of Nevada System;] *and Community College System of Nevada;*
12. The assistant and deputies of the state fire marshal;
13. The brand inspectors of the state department of agriculture who exercise the powers of enforcement conferred in chapter 565 of NRS;
14. Investigators for the state forester firewarden who are specially designated by him and whose primary duties are the investigation of arson;
15. The superintendents and correctional officers of the department of prisons;
16. Employees of the division of state parks of the state department of conservation and natural resources designated by the administrator of the division who exercise police powers specified in NRS 407.065;
17. School police officers employed by the board of trustees of any county school district;
18. Agents of the state gaming control board who:

(a) Exercise the powers of enforcement specified in NRS 463.140 or 463.1405; or

(b) Investigate a violation of a provision of chapter 205 of NRS in the form of a crime against property of a gaming licensee,

except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

19. The chief, investigators and agents of the investigation division of the department of motor vehicles and public safety;

20. Investigators and administrators of the bureau of enforcement of the registration division of the department of motor vehicles and public safety who exercise the police powers specified in NRS 481.048;

21. Officers and investigators of the section for the control of emissions from vehicles of the registration division of the department of motor vehicles and public safety who exercise the police powers specified in NRS 481.0481;

22. The personnel of the department of wildlife who exercise those powers of enforcement conferred by Title 45 and chapter 488 of NRS;

23. Legislative police officers of the State of Nevada;

24. Police officers of the buildings and grounds division of the department of general services;

25. Parole counselors of the division of child and family services of the department of human resources;

26. Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in Nevada whose official duties require them to enforce court orders on juvenile offenders and make arrests;

27. Field investigators of the taxicab authority; and

28. Security officers employed full time by a city or county whose official duties require them to carry weapons and make arrests.''.

Amend the title of the bill, second line, after the semicolon by inserting: ''removing certain obsolete provisions concerning the qualification of a person for early retirement as a peace officer or fireman;''.

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 155.

Bill read third time.

Remarks by Assemblyman Petrak.

Roll call on Senate Bill No. 155:

YEAS—41.

NAYS—None.

Absent—Haller.

Senate Bill No. 155 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 168.

Bill read third time.

Remarks by Assemblymen Ernaut and Arberry.

Assemblyman Arberry moved that Senate Bill No. 168 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Senate Bill No. 309.
Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Senate Bill No. 309:
YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 309 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 363.
Bill read third time.
Remarks by Assemblymen McGaughey and Price.
Roll call on Senate Bill No. 363:
YEAS—28.
NAYS—Anderson, Bonaventura, Carpenter, Chowning, Collins, de Braga, Evans, Gibbons, Giunchigliani, Price, Smith, Spitler, Myrna Williams—13.
Absent—Haller.

Senate Bill No. 363 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 400.
Bill read third time.
Remarks by Assemblymen Gibbons, Collins and Spitler.
Conflicts of interest declared by Assemblymen Collins and Spitler.
Roll call on Senate Bill No. 400:
YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 441.
Bill read third time.
Remarks by Assemblymen Augustine, Collins, Spitler and Lambert.
Conflicts of interest declared by Assemblymen Collins, Lambert and Spitler.
Roll call on Senate Bill No. 441:
YEAS—39.
NAYS—None.
Absent—Haller.
Not voting—Lambert, Spitler—2.

Senate Bill No. 441 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 442.

Bill read third time.
Remarks by Assemblyman Smith.
Roll call on Senate Bill No. 442:
YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 618.
Bill read third time.
Remarks by Assemblymen Sader and Price.
Roll call on Assembly Bill No. 618:
YEAS—36.
NAYS—Carpenter, Heller, Marvel, Scherer, Mr. Speaker—5.
Absent—Haller.

Assembly Bill No. 618 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 747, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:
Assembly Bill No. 762—An Act relating to economic development; authorizing the commission on economic development to charge fees for certain services it provides; and providing other matters properly relating thereto.
Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

By the Committee on Ways and Means:
Assembly Bill No. 763—An Act relating to state financial administration; repealing the provision establishing the permanent net proceeds fund; and providing other matters properly relating thereto.
Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolutions Nos. 72, 73; Senate Bills Nos. 335, 466; Senate Concurrent Resolution No. 45.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Donalene Ravitch.

On request of Assemblyman Toomin, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jim Foreman.

Assemblyman Porter moved that the Assembly adjourn until Thursday, June 17, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:23 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-FIRST DAY

CARSON CITY (Thursday), June 17, 1993

Assembly called to order at 11:21 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Haller, who was excused.

Prayer by the Chaplain, The Reverend Albert Tilstra.

Hear us, our Father, as we pray for a freshness of spirit to renew our faith and to brighten our hopes. Create new warmth and love between the members of this body and also between the members of the Senate and those who work with them, that they may go at their work not head first but heart first. May they be able to disagree without being disagreeable, and to differ without being difficult. In an atmosphere of team spirit, give them freedom to be honest without tension, and frank without offense, that Your spirit will not be driven from them. This, we ask in Your Holy Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Joint Resolution No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 16, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 582, 586, 601, 621.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 202, 576, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 9.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 4.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 531.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 434.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill No. 119.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 434.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 531.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:25 a.m.

ASSEMBLY IN SESSION

At 11:33 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Labor and Management, to which was referred Senate Bill No. 316, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 735, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 316 be placed at the top of the Second Reading File.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:34 a.m.

ASSEMBLY IN SESSION

At 11:39 a.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 316.

Bill read second time.

The following amendment was proposed by the Committee on Labor and Management:

Amendment No. 924.

Amend the bill as a whole by deleting sections 1 through 294 and the leadlines of repealed sections and adding new sections designated sections 1 through 294, and the leadlines of repealed sections, following the enacting clause, to read as follows:

"Section 1. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or his legal representative is entitled to information from the records of the employment security department, to the extent necessary for the proper presentation of his claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the employment security department for any other purpose.

3. Subject to such restrictions as the executive director may by regulation prescribe, such information may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of an unemployment compensation law, public assistance law, workman's compensation or labor law, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support; [or]

(c) The Internal Revenue Service of the Department of the Treasury [.] *; and*

(d) The state contractors' board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

Information obtained in connection with the administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. The executive director may provide information on the names of employers, their geographic locations, their type or class of business or industry, and the approximate number of employees employed by each employer to the commission on economic development for its use in developing and diversifying the economic interests of this state.

5. Upon request therefor the executive director shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state

agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

6. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this state may submit a written request to the executive director that he furnish, from the records of the employment security department, the name, address and place of employment of any person listed in the records of employment of the department. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the executive director shall furnish the information requested. He may charge a reasonable fee to cover any related administrative expenses.

7. The executive director shall provide lists containing the names and addresses of employers, the number of employees employed by each employer and the total wages paid by each employer to the department of taxation, upon request, for use in verifying returns for the business tax. The executive director may charge a reasonable fee to cover any related administrative expenses.

8. The manager of the state industrial insurance system [may] *shall* submit to the executive director a list of each person who received benefits pursuant to chapter 616 or 617 of NRS during the preceding month and request that he compare the information so provided with the records of the employment security department regarding persons claiming benefits pursuant to chapter 612 of NRS for the same period. The information submitted by the manager must be in a form determined by the executive director and must contain the social security number of each such person. Upon receipt of such a request, the executive director shall make such a comparison and provide to the manager a list of the name, address and social security number of each person who appears, from the information submitted, to be simultaneously claiming benefits under chapter 612 of NRS and under chapter 616 or 617 of NRS. The executive director shall charge a reasonable fee to cover any related administrative expenses. The manager shall use the information obtained pursuant to this subsection only to further a current investigation. The manager shall not disclose the information for any other purpose.

9. The executive director may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in Section 3305(c) of the Internal Revenue Code of 1954.

10. If any employee or member of the board of review or the executive director or any employee of the executive director, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who

has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he is guilty of a gross misdemeanor.

11. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the employment security department or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 2. Chapter 616 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 83, inclusive, of this act.

Sec. 3. *"Association of self-insured private employers" means a nonprofit, unincorporated association composed of five or more private employers that has been issued a certificate by the commissioner indicating that the combined administrative and financial resources of the members of the association are sufficient to make certain the prompt payment of all compensation under this chapter and chapter 617 of NRS.*

Sec. 4. *"Association of self-insured public employers" means a nonprofit, unincorporated association composed of five or more public employers that has been issued a certificate by the commissioner indicating that the combined administrative and financial resources of the members of the association are sufficient to make certain the prompt payment of all compensation under this chapter and chapter 617 of NRS.*

Sec. 4.5. *"Certified vocational rehabilitation counselor" means a person who:*

1. Has a master's degree in rehabilitation counseling; or

2. Has been certified as a rehabilitation counselor or an insurance rehabilitation specialist by the Commission on Rehabilitation Counselor Certification, which is a division of the Board for Rehabilitation Certification.

Sec. 5. *"Incarcerated" means confined in:*

1. Any local detention facility, county jail, state prison, reformatory or other correctional facility as a result of a conviction or a plea of guilty or nolo contendere in a criminal proceeding; or

2. Any institution or facility for the mentally ill as a result of a plea of not guilty by reason of insanity in a criminal proceeding,

in this state, another state or a foreign country.

Sec. 6. *"Organization for managed care" means any person who:*

1. Provides or arranges for the provision of medical and health care services;

2. Establishes objectives, standards and protocols for such services;

3. Organizes providers of health care to ensure the availability and accessibility of such services; and

4. Establishes a system that allows for the submission of reports to the manager or a self-insured employer that are necessary to evaluate the effectiveness and cost of delivering medical and health care services to injured employees.

Sec. 7. *"Private employer" means any person, other than a public employer, who has in service any person under a contract of hire who is not excluded from the term "employee" pursuant to NRS 616.060.*

Sec. 8. *"Public employer" means the state and a county, city, school district and public or quasi-public corporation within this state.*

Sec. 9. *"Service company" means a person who provides services to an association of self-insured public or private employers that are not provided by a third-party administrator, including, but not limited to, services relating to:*

1. The adjustment of claims;

2. Programs for loss control and occupational safety;

3. The compilation of statistics and the preparation of required reports;

4. The calculation of assessments and fees required to be paid by the members of the association; and

5. The administration of a claims account.

Sec. 10. *"Utilization review" has the meaning ascribed to it in NRS 683A.376.*

Sec. 11. *The legislature hereby determines and declares that:*

1. The provisions of this chapter and chapter 617 of NRS must be interpreted and construed to ensure the quick and efficient payment of compensation to injured and disabled employees at a reasonable cost to the employers who are subject to the provisions of those chapters;

2. A claim for compensation filed pursuant to the provisions of this chapter or chapter 617 of NRS must be decided on its merit and not according to the principle of common law that requires statutes governing workers' compensation to be liberally construed because they are remedial in nature;

3. The provisions of this chapter and chapter 617 of NRS are based on a renunciation of the rights and defenses of employers and employees recognized at common law; and

4. For the accomplishment of these purposes, the provisions of this chapter and chapter 617 of NRS must not be interpreted or construed broadly or liberally in favor of an injured or disabled employee or his dependents, or in such a manner as to favor the rights and interests of an employer over the rights and interests of an injured or disabled employee or his dependents.

Sec. 12. *1. Except as otherwise provided in subsection 2, an injured employee, or a person acting on his behalf, shall file a claim for compensation with the insurer within 90 days after an accident if:*

(a) The employee has sought medical treatment for an injury arising out of and in the course of his employment; or

(b) The employee was off work as a result of an injury arising out of and in the course of his employment.

2. In the event of the death of the injured employee resulting from the injury, a dependent of the employee, or a person acting on his behalf, shall file a claim for compensation with the insurer within 1 year after the death of the injured employee.

3. The claim for compensation must be filed on a form prescribed by the administrator.

Sec. 12.5. *1. Except as otherwise provided in subsection 2, an employee or, in the event of the death of the employee, his dependent, is barred from recovering compensation pursuant to the provisions of this chapter if he fails to file a notice of injury pursuant to NRS 616.500 or a claim for compensation pursuant to section 12 of this act.*

2. An insurer may excuse the failure to file a notice of injury or a claim for compensation pursuant to the provisions of this section if:

(a) The injury to the employee or another cause beyond his control prevented him from providing the notice or claim;

(b) The failure was caused by the employee's or dependent's mistake or ignorance of fact or of law;

(c) The failure was caused by the physical or mental inability of the employee or the dependent; or

(d) The failure was caused by fraud, misrepresentation or deceit.

Sec. 13. *1. A treating physician or chiropractor shall, within 3 working days after he first treats an injured employee for a particular injury, complete and mail to the employer of the injured employee and to the employer's insurer, a claim for compensation. If the employer is a self-insured employer, the treating physician or chiropractor shall mail the claim for compensation to the employer's third-party administrator.*

2. A claim for compensation required by subsection 1 must be on a form prescribed by the administrator.

3. If a claim for compensation is accompanied by a certificate of disability, the certificate must include a description of any limitation or restrictions on the injured employee's ability to work.

4. Each physician, chiropractor and medical facility that treats injured employees, each insurer, third-party administrator and employer, and the division and department shall maintain at their offices a sufficient supply of the forms prescribed by the administrator for filing a claim for compensation.

5. The administrator shall impose an administrative fine of not more than $1,000 on a physician or chiropractor for each violation of subsection 1.

Sec. 14. *1. Within 6 working days after the receipt of a claim for compensation from a physician or chiropractor, an employer shall complete and mail to his insurer or third-party administrator an employer's report of industrial injury or occupational disease.*

2. The report must:

(a) Be on a form prescribed by the administrator;

(b) Be signed by the employer or his designee;

(c) Contain specific answers to all questions required by the regulations of the department; and

(d) Be accompanied by a statement of the wages of the employee if the claim for compensation received from the treating physician or chiropractor indicates that the injured employee is expected to be off work for 5 days or more.

3. An employee of the system shall not complete the report required by subsection 1 or any other form relating to the accident on behalf of the employer unless the employer:

(a) Is not in business;

(b) Has not been located by the system within 5 working days after receipt of a claim for compensation; or

(c) Refuses to complete the report.

4. The administrator shall impose an administrative fine of not more than $1,000 on an employer for each violation of this section.

Sec. 15. *An insurer shall accept or deny responsibility for compensation under this chapter within 30 working days after claims for compensation are received pursuant to both sections 12 and 13 of this act.*

Sec. 16. *1. An injured employee or his dependents are not entitled to receive compensation pursuant to the provisions of this chapter unless the employee or his dependents establish by a preponderance of the evidence that the employee's injury arose out of and in the course of his employment.*

2. For the purposes of this chapter, if the employee files a notice of an injury pursuant to NRS 616.500 after his employment has been terminated for any reason, there is a rebuttable presumption that the injury did not arise out of and in the course of his employment.

Sec. 17. *1. An insurer shall not provide compensation to or for an employee or his dependents before the compensation is required to be paid pursuant to the provisions of this chapter.*

2. If, within 30 days after a payment is made to an injured employee pursuant to the provisions of this chapter, the insurer determines that it has overpaid the injured employee as a result of a clerical error in its calculation of the amount of payment, or as a result of using improper or incorrect information to determine the injured employee's eligibility for payment or to calculate the amount of payment, the insurer may deduct the amount of the overpayment from future benefits related to that claim to which the injured employee is entitled, other than accident benefits, if:

(a) The insurer notifies the injured employee in writing of its determination;

(b) The insurer informs the injured employee of his right to contest the deduction; and

(c) The injured employee fails to contest the deduction or does so and upon final resolution of the contested deduction, it is determined that such an overpayment was made.

3. Any deductions made pursuant to subsection 2 must be made in a reasonable manner which does not cause undue hardship to the injured employee.

Sec. 18. *If, after a claim for compensation is filed pursuant to section 12 of this act:*

1. The injured employee seeks treatment from a physician or chiropractor for a newly developed injury or disease; and

2. The employee's medical records for the injury reported do not include a reference to the injury or disease for which treatment is being sought, or there is no documentation indicating that there was possible exposure to an injury described in paragraph (b) of subsection 2 of NRS 616.110,

the injury or disease for which treatment is being sought must not be considered part of the employee's original claim for compensation unless the physician or chiropractor establishes by medical evidence a causal relationship between the injury or disease for which treatment is being sought and the original accident.

Sec. 19. *1. An employee is not entitled to compensation pursuant to the provisions of this chapter if:*

(a) He has a preexisting condition from a cause or origin that did not arise out of or in the course of his current or past employment; and

(b) He subsequently sustains an injury by accident arising out of and in the course of his employment which aggravates, precipitates or accelerates his preexisting condition,

unless the subsequent injury is the primary cause of the resulting disability.

2. An employee is not entitled to compensation pursuant to the provisions of this chapter if:

(a) He sustains an injury by accident arising out of and in the course of his employment; and

(b) He subsequently aggravates, precipitates or accelerates the injury in a manner that does not arise out of and in the course of his employment,

unless the injury described in paragraph (a) is the primary cause of the resulting disability.

Sec. 20. *1. Except as otherwise provided in this section, an injury or disease sustained by an employee that is caused by stress is compensable pursuant to the provisions of this chapter or chapter 617 of NRS if it arose out of and in the course of his employment.*

2. Any ailment or disorder caused by any gradual mental stimulus, and any death or disability ensuing therefrom, shall be deemed not to be an injury or disease arising out of and in the course of employment.

3. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment only if the employee proves by clear and convincing medical or psychiatric evidence that:

(a) He has a mental injury caused by extreme stress in time of danger;

(b) The conditions at his place of employment were the primary cause of the injury; and

(c) The stress was not caused by his layoff, the termination of his employment or any disciplinary action taken against him.

4. The provisions of this section do not apply to a person who is claiming compensation pursuant to NRS 617.457.

Sec. 21. *A dependent of an injured employee may not file a claim for compensation for an industrial injury pursuant to the provisions of this chapter if:*

1. The time for filing the claim has expired pursuant to section 12 of this act and the failure to file the claim is not excused pursuant to section 12.5 of this act; or

2. The injured employee or another dependent filed a claim for compensation for that industrial injury, .the claim was denied and, upon final resolution of the claim, it was denied.

Sec. 21.1. *An insurer, or a private person or public agency providing vocational rehabilitation services to an insurer, shall:*

1. Ensure that the work of a vocational rehabilitation counselor who is not certified is supervised and reviewed by certified vocational rehabilitation counselor.

2. Ensure that the case load for a vocational rehabilitation counselor who conducts full vocational assessments does not exceed 35 active claims.

Sec. 21.2. *If an employee does not return to work for 28 consecutive calendar days as a result of an injury arising out of and in the course of his employment or an occupational disease, the insurer shall contact the treating physician or chiropractor to determine whether:*

1. There are physical limitations on the injured employee's ability to work; and

2. The limitations, if any, are permanent or temporary.

Sec. 21.3. *1. Except as otherwise provided in this section, if benefits for a total temporary disability have been paid to an injured employee for more than 90 days, a vocational rehabilitation counselor shall, within 30 days, make a written assessment of the injured employee's ability or potential to return to:*

(a) The position he held at the time that he was injured; or

(b) Any other gainful employment.

2. Before completing the written assessment, the counselor shall:

(a) Contact the injured employee and:

(1) Identify the injured employee's educational background, work experience and career interests; and

(2) Determine whether the injured employee has any existing marketable skills.

(b) Contact the injured employee's treating physician or chiropractor and determine:

(1) Whether the employee has any temporary or permanent physical limitations;

(2) The estimated duration of the limitations;

(3) Whether there is a plan for continued medical treatment; and

(4) When the employee may return to the position that he held at the time of his injury or to any other position. The treating physician or chiropractor shall determine whether an employee may return to the position that he held at the time of his injury.

3. The written assessment must contain a determination as to whether the employee is eligible for vocational rehabilitation services pursuant to NRS 616.222. If the insurer, with the assistance of the counselor, determines that

the employee is eligible for vocational rehabilitation services, a plan for a program of vocational rehabilitation must be completed pursuant to section 21.4 of this act.

4. The division may, by regulation, require a written assessment to include additional information.

5. If an insurer determines that the written assessment required by this section is impractical because of the expected duration of the employee's total temporary disability, the insurer shall:

(a) Complete a written report which specifies his reasons for the decision; and

(b) Review the claim at least once every 60 days.

6. The insurer shall mail a copy of the written assessment or the report completed pursuant to subsection 5 to the injured employee, his employer, the treating physician or chiropractor and the injured employee's attorney or representative, if applicable.

7. For the purposes of this section, "existing marketable skills" include, but are not limited to:

(a) Completion of:

(1) A program at a trade school;

(2) A program which resulted in an associate's degree; or

(3) A course of study for certification,

if the program or course of study provided the skills and training necessary for the injured employee to be gainfully employed on a reasonably continuous basis in an occupation that is reasonably available in this state.

(b) Completion of a 2-year or 4-year program at a college or university which resulted in a degree.

(c) Completion of any portion of a program for a graduate's degree at a college or university.

(d) Skills acquired in previous employment, including those acquired during an apprenticeship or a program for on-the-job training.

The skills set forth in paragraphs (a) to (d), inclusive, must have been acquired within the preceding 7 years and be compatible with the physical limitations of the injured employee to be considered existing marketable skills.

Sec. 21.4. *1. A vocational rehabilitation counselor shall develop a plan for a program of vocational rehabilitation for each injured employee who is eligible for vocational rehabilitation services pursuant to NRS 616.222. The counselor shall work with the insurer and the injured employee to develop a program that is compatible with the injured employee's age, sex and physical condition.*

2. If the counselor determined in the written assessment developed pursuant to section 21.3 of this act that the injured employee has existing marketable skills, the plan must consist of job placement assistance only. When practicable, the goal of job placement assistance must be to aid the employee in finding a position which pays a gross wage that is equal to or greater than 80 percent of the gross wage that he was earning at the time of

his injury. An injured employee must not receive job placement assistance for more than 90 days after the date on which he was notified that he is eligible only for job placement assistance because:

(a) He was physically capable of returning to work; or

(b) It was determined that he had existing marketable skills.

3. If the counselor determined in the written assessment developed pursuant to section 21.3 of this act that the injured employee does not have existing marketable skills, the plan must consist of a program which trains or educates the injured employee and provides job placement assistance. Except as otherwise provided in section 21.45 of this act, such a program must not exceed:

(a) If the injured employee has incurred a permanent physical impairment of less than 6 percent, 6 months.

(b) If the injured employee has incurred a permanent physical impairment of 6 percent or more, but less than 11 percent, 9 months.

(c) If the injured employee has incurred a permanent physical impairment of 11 percent or more, 1 year.

The percentage of the injured employee's permanent physical impairment must be determined pursuant to NRS 616.605.

4. A plan for a program of vocational rehabilitation must comply with the requirements set forth in section 22 of this act.

5. A program of vocational rehabilitation must not commence before the treating physician or chiropractor, or an examining physician or chiropractor determines that the injured employee is capable of safely participating in the program.

6. If, based upon the opinion of an examining physician or chiropractor, the counselor determines that an injured employee is not eligible for vocational rehabilitation services, the counselor shall provide a copy of the opinion to the treating physician or chiropractor and the insurer.

7. The division shall adopt regulations to carry out the provisions of this section. The regulations must specify the contents of a plan for a program of vocational rehabilitation.

Sec. 21.45. *1. A program for vocational rehabilitation developed pursuant to subsection 3 of section 21.4 of this act may be extended in accordance with this section if the injured employee makes a written request to extend the program within 30 days after he receives written notification that he is eligible for vocational rehabilitation services and:*

(a) There are exceptional circumstances which make it unlikely that the injured employee will obtain suitable gainful employment as a result of vocational rehabilitation which is limited to the period for which he is eligible; or

(b) The insurer decides to extend the program for other reasons. An insurer's determination to grant or deny an extension pursuant to this paragraph may not be appealed.

2. If an injured employee has incurred a permanent physical impairment of less than 11 percent:

(a) The total length of the program, including any extension, must not exceed 1 year.

(b) "Exceptional circumstances" shall be deemed to exist for the purposes of paragraph (a) of subsection 1, if:

(1) The injured employee lacks work experience, training, education or other transferable skills for an occupation which he is physically capable of performing; or

(2) Severe physical restrictions as a result of the industrial injury have been imposed by a physician which significantly limit the employee's occupational opportunities.

3. If an injured employee has incurred a permanent physical impairment of 11 percent or more:

(a) The total length of the program, including any extension, must not exceed 2 years.

(b) "Exceptional circumstances" shall be deemed to exist for the purposes of paragraph (a) of subsection 1, if the injured employee has suffered:

(1) The total and permanent loss of sight of both eyes;

(2) The loss by separation of a leg at or above the knee;

(3) The loss by separation of a hand at or above the wrist;

(4) An injury to the head or spine which results in permanent and complete paralysis of both legs, both arms or a leg and an arm;

(5) An injury to the head which results in a severe cognitive functional impairment which may be established by a nationally recognized form of objective psychological testing;

(6) The loss by separation of an arm at or above the elbow and the loss by separation of a leg at or above the knee;

(7) An injury consisting of second or third degree burns on 50 percent or more of the body, both hands or the face;

(8) A total bilateral loss of hearing;

(9) The total loss or significant and permanent impairment of speech; or

(10) A permanent physical impairment of 50 percent or more determined pursuant to NRS 616.605, if the severity of the impairment limits the injured employee's gainful employment to vocations that are primarily intellectual and require a longer program of education.

4. The insurer shall mail a copy of its decision granting or denying an extension to the injured employee and the employer. Except as otherwise provided in this section, the decision shall be deemed to be a final determination of the insurer for the purposes of NRS 616.5412.

Sec. 21.5. (Omitted in amendment.)

Sec. 21.6. *1. The system shall employ one or more vocational rehabilitation counselors to develop and maintain a list of jobs that may be suitable for injured employees in various geographical areas throughout the state.*

2. A vocational rehabilitation counselor who develops a plan for a program of vocational rehabilitation pursuant to section 21.4 of this act on behalf of the system shall review the list and consider the nature of the jobs that are on the list before developing a plan.

Sec. 21.7. *1. A plan for a program of vocational rehabilitation developed pursuant to section 21.4 of this act may include a program for on-the-job training, if the training is suitable for the injured employee.*

2. Before an injured employee may participate in a program for on-the-job training, the insurer and the employer must execute a written agreement which contains an explanation of the training and a schedule for that training.

3. Except as otherwise provided in subsection 4, the insurer may pay not more than 50 percent of the wages of an injured employee who is participating in a program for on-the-job training. An insurer contributing toward the wages of an injured employee shall pay the employee within 10 days after the employee submits documentation of his payroll to the insurer. The insurer shall not contribute to the wages of the injured employee for more than the period authorized for the particular employee pursuant to subsection 3 of section 21.4 or section 21.45 of this act.

4. The insurer shall, within 30 days after receipt of a request for payment, reimburse the training employer for the wages paid by the training employer to the injured employee pursuant to this section if:

(a) After the successful completion of the training, the training employer continues to employ the injured employee for at least 1 year in a position which requires the training so obtained; or

(b) The injured employee:

(1) Within 30 days after his successful completion of the training, obtains employment which requires the skills obtained by him as a direct result of the training provided by the training employer; and

(2) Retains that or similar employment for at least 1 year after the completion of the training.

Sec. 21.8. *1. The division shall, by regulation, prescribe when:*

(a) Vocational rehabilitation maintenance must be paid to an injured employee; and

(b) Vocational rehabilitation maintenance must cease to be paid to an injured employee.

An injured employee must not receive vocational rehabilitation maintenance after his program of vocational rehabilitation ends pursuant to section 21.4 of this act.

2. As used in this section, "vocational rehabilitation maintenance" means the amount of compensation paid to an injured employee while he is participating in a program of vocational rehabilitation developed pursuant to section 21.4 of this act.

Sec. 21.9. *1. Vocational rehabilitation services must not be provided outside of this state.*

2. An injured employee, who:

(a) Is eligible for vocational rehabilitation services pursuant to NRS 616.222; and

(b) Resides outside of this state,

may execute a written agreement with the insurer which provides for the

payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services pursuant to NRS 616.617. The amount of the lump sum must not exceed $15,000.

3. An injured employee who resides outside of this state may receive the vocational rehabilitation services to which he is entitled pursuant to NRS 616.222 and sections 21.2 to 21.8, inclusive, of this act, if he relocates to this state at his own expense.

Sec. 21.95. (Omitted in amendment.)

Sec. 22. *1. Except as otherwise provided in subsection 2, vocational rehabilitation services ordered by an insurer, a hearing officer or an appeals officer must not include the following goods and services:*

(a) A motor vehicle.

(b) Repairs to an injured employee's motor vehicle.

(c) Tools and equipment normally provided to the injured employee by his employer during the course of his employment.

(d) Care for the injured employee's children.

2. An injured employee is entitled to receive the goods and services set forth in subsection 1 only if his insurer determines that such goods and services are reasonably necessary. If the system makes such a determination, the employer of the injured employee may appeal that determination to the manager pursuant to NRS 616.392.

3. Vocational rehabilitation services ordered by an insurer may include the formal education of the injured employee only if:

(a) The priorities set forth in NRS 616.378 for returning an injured employee to work are followed;

(b) The education is recommended by a plan for a program of vocational rehabilitation developed pursuant to section 21.4 of this act; and

(c) A written proposal concerning the probable economic benefits to the employee and the necessity of the education is submitted to the insurer.

Sec. 22.5. *1. The director of the department of administration shall appoint one or more hearing officers to conduct hearings in contested cases for compensation under this chapter and chapter 617 of NRS. Each hearing officer shall serve at the pleasure of the director of the department of administration. Each hearing officer is entitled to receive an annual salary in an amount provided by law and is in the unclassified service of the state.*

2. If a hearing officer determines that he has a personal interest or a conflict of interest, directly or indirectly, in any case which is before him, he shall disqualify himself from hearing the case and the case must be assigned to another hearing officer.

Sec. 23. (Omitted in amendment.)

Sec. 24. *1. Except as otherwise provided in subsection 2, a physician or advanced practitioner of nursing shall prescribe for an injured employee a generic drug in lieu of a drug with a brand name if the generic drug is biologically equivalent and has the same active ingredient or ingredients of the same strength, quantity and form of dosage as the drug with a brand name.*

2. A physician or advanced practitioner of nursing is not required to comply with the provisions of subsection 1 if:

(a) He determines that the generic drug would not be beneficial to the health of the injured employee; or

(b) The generic drug is higher in cost than the drug with a brand name.

Sec. 25. *1. A group of five or more employers may not act as an association of self-insured public employers or as an association of self-insured private employers unless the group has been issued a certificate to do so by the commissioner.*

2. An association of public or private employers that wishes to be issued a certificate must file with the commissioner an application for certification.

3. The application must include:

(a) The name of the association.

(b) The address of:

(1) The principal office of the association.

(2) The location where the books and records of the association will be maintained.

(c) The date the association was organized.

(d) The name and address of each member of the association.

(e) The names of the initial members of the board of trustees and the name of the initial third-party administrator of the association.

(f) Such other information as the commissioner may require.

4. The application must be accompanied by:

(a) A nonrefundable filing fee of $1,000.

(b) Proof of compliance with section 26 of this act.

(c) Proof that the association or its third-party administrator is licensed or otherwise authorized to conduct business in this state pursuant to Title 57 of NRS.

(d) A copy of any agreements entered into with a third-party administrator or any service company.

(e) A copy of the bylaws of the association.

(f) A copy of an agreement jointly and severally binding the association and each member of the association to secure the payment of all compensation due under this chapter and chapter 617 of NRS.

(g) A financial statement, on a form acceptable to the commissioner, that shows the financial ability of the association to pay all compensation due under this chapter and chapter 617 of NRS.

(h) Proof that each member of the association will make the initial payment to the association required pursuant to section 41 of this act on a date specified by the commissioner. The payment shall be deemed to be a part of the assessment required to be paid by each member for the first year of self-insurance if certification is issued to the association.

Sec. 26. *1. An association of self-insured public or private employers shall:*

(a) Execute an indemnity agreement jointly and severally binding the association and each member of the association to secure the payment of all compensation due under this chapter and chapter 617 of NRS. The indemnity

agreement must be in a form prescribed by the commissioner. An association may add provisions to the indemnity agreement if they are first approved by the commissioner.

(b) Except as otherwise provided in this subsection, maintain a policy of specific and aggregate excess insurance in a form and amount required by the commissioner. The excess insurance must be written by an insurer approved by the commissioner. To determine the amount of excess insurance required, the commissioner shall consider:

(1) The number of members in the association;

(2) If the association is an association of self-insured public employers, the types of governmental services provided by the members of the association;

(3) If the association is an association of self-insured private employers, the classifications of employment of the members of the association;

(4) The number of years the association has been in existence; and

(5) Such other information as the commissioner deems necessary.

(c) For the first year of self-insurance, collect an assessment from each member of the association in an aggregate amount of at least $250,000. Each year thereafter, the association shall collect an assessment in an aggregate amount of at least $500,000 or in an aggregate amount the commissioner determines is sufficient to fund its obligation, whichever is larger.

(d) Except as otherwise provided in paragraph (e), deposit with the commissioner a bond executed by the association as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the payment of compensation for injuries and occupational diseases to their employees. The bond must be in an amount determined by the commissioner to be reasonably sufficient to ensure payment of such compensation, but in no event may it be less than $100,000.

(e) In lieu of a bond, deposit with the commissioner a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the certificate must state that the amount is unavailable for withdrawal except upon order of the commissioner.

2. In addition to complying with the requirements of subsection 1, an association of self-insured private employers shall maintain a combined net worth of all members in the association of at least $2,500,000.

3. Any third-party administrator of the association shall deposit with the commissioner a bond executed by the third-party administrator as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the faithful performance of his duties. The bond must be in an amount determined by the commissioner.

4. Any service company providing claims services for the association shall deposit with the commissioner a bond executed by the service company

as principal, and by a licensed surety, payable to the State of Nevada, and conditioned upon the faithful performance of its duties. The bond must be in an amount determined by the commissioner.

5. The commissioner may increase or decrease the amount of any bond or money required to be deposited by this section in accordance with chapter 681B of NRS and his regulations for loss reserves in casualty insurance. If the commissioner requires an association, third-party administrator or service company to increase its deposit, the commissioner may specify the form of the additional security. The association, third-party administrator or service company shall comply with such a requirement within 60 days after receiving notice from the commissioner.

6. The account for associations of self-insured public and private employers is hereby created in the state agency fund for bonds. All money received by the commissioner pursuant to this section must be deposited with the state treasurer to the credit of the account. All claims against this account must be paid as other claims against the state are paid.

Sec. 27. *1. The commissioner shall grant or deny an application for certification as an association of self-insured public or private employers within 60 days after receiving the application. If the commissioner is unable to act upon the application within this 60-day period, he may extend the period for granting or denying the application, but for not longer than an additional 90 days.*

2. Upon determining that an association is qualified as an association of self-insured public or private employers, the commissioner shall issue a certificate to that effect to the association and the administrator.

3. A certificate issued under this section remains in effect until withdrawn by the commissioner or canceled at the request of the association. Coverage for an association granted a certificate becomes effective on the date of certification or the date specified in the certificate.

4. The commissioner shall not grant a request to cancel a certificate unless the association has insured or reinsured all incurred obligations with an insurer authorized to do business in this state pursuant to an agreement filed with and approved by the commissioner. The agreement must include coverage for actual claims and claims filed with the association but not reported, and the expenses associated with those claims.

Sec. 28. *1. An association certified as an association of self-insured public or private employers directly assumes the responsibility for providing compensation due the employees of the members of the association and their beneficiaries under this chapter and chapter 617 of NRS.*

2. An association is not required to pay the premiums required of other employers pursuant to this chapter and chapter 617 of NRS but is relieved from other liability for personal injury to the same extent as are other employers.

3. The claims of employees and their beneficiaries resulting from injuries while in the employment of a member of an association must be handled in the manner provided by this chapter, and the association is subject to the regulations of the department with respect thereto.

4. The security deposited pursuant to section 26 of this act does not relieve an association from responsibility for the administration of claims and payment of compensation under this chapter.

Sec. 29. *1. An association of self-insured public or private employers must be operated by a board of trustees consisting of at least five members whom the members of the association elect for terms set forth in the bylaws of the association. If the association is an association of self-insured:*

(a) Public employers, the members of the board of trustees must be officers or employees of the public employers who are members of the association.

(b) Private employers, at least two-thirds of the members of the board of trustees must be employees, officers or directors of the members of the association. No third-party administrator or service company employed by the association, or any owner, officer, employee or other person affiliated with the third-party administrator or the service company, may serve as a member of the board of trustees. Each member of the board of trustees must be a resident of this state or an officer of a corporation authorized to do business in this state.

2. The board of trustees of an association shall:

(a) Ensure the prompt payment of any compensation due under this chapter or chapter 617 of NRS.

(b) Take such actions as are necessary to protect the assets of the association.

(c) Employ full time a third-party administrator to carry out the policies of the board of trustees, provide administrative services and manage claims, unless the association is licensed as a third-party administrator.

(d) Employ an independent certified public accountant to prepare the statement of financial condition required by section 37 of this act.

(e) Maintain minutes of its meetings and make the minutes available for inspection by the commissioner.

3. The board of trustees of an association shall not:

(a) Extend credit to any member of the association for the payment of that member's annual assessment, except pursuant to a payment plan approved by the commissioner.

(b) Borrow any money from the association or in the name of the association, except in the ordinary course of its business, without the prior approval of the commissioner.

Sec. 30. *1. The board of trustees of an association of self-insured public or private employers is responsible for the money collected and disbursed by the association.*

2. The board of trustees shall:

(a) Establish a claims account in a federally insured financial institution in this state approved by the commissioner. Except as otherwise provided in subsection 3, at least 75 percent of the annual assessment collected by the association from its members must be deposited in this account to pay:

(1) Claims;

(2) Expenses related to those claims;

(3) The costs associated with the association's policy of excess insurance; and

(4) Assessments, payments and penalties related to the subsequent injury fund and the uninsured employers' claim fund.

(b) Establish an administrative account in a federally insured financial institution in this state approved by the commissioner. The amount of the annual assessment collected by the association that is not deposited in its claims account must be deposited in this account to pay the administrative expenses of the association.

3. The commissioner may authorize an association to deposit less than 75 percent of its annual assessment in its claims account if the association presents evidence to the satisfaction of the commissioner that:

(a) More than 25 percent of the association's annual assessment is needed to maintain its programs for loss control and occupational safety; and

(b) The association's policy of excess insurance attaches at less than 75 percent.

4. The board of trustees may invest the money of the association not needed to pay the obligations of the association pursuant to chapter 682A of NRS.

5. The commissioner shall review the accounts of an association established pursuant to this section at such times as he deems necessary to ensure compliance with the provisions of this section.

Sec. 31. *1. A service company employed by an association of self-insured public or private employers, or an employee, officer or director of such a company, may not have a direct or indirect financial interest in the third-party administrator of the association.*

2. The third-party administrator of an association of self-insured public or private employers, or an employee, officer or director of the third-party administrator, may not be an employee, officer or director of a service company employed by the association or have a direct or indirect financial interest in that service company.

3. Any contract entered into by an association of self-insured public or private employers and a service company or third-party administrator must include a provision which states that, unless the commissioner otherwise provides, the service company or third-party administrator shall administer any claim or other obligation of the association to its conclusion during the period of the contract.

Sec. 32. *1. If an employer wishes to become a member of an association of self-insured public or private employers, the employer must:*

(a) Submit an application for membership to the board of trustees or third-party administrator of the association; and

(b) Enter into an indemnity agreement as required by section 26 of this act.

2. The membership of the applicant becomes effective when each member of the association approves the application or on a later date specified by the

association. The application for membership and the action taken on the application must be maintained as permanent records of the board of trustees.

3. A member of an association may terminate his membership at any time.

4. The members of an association may cancel the membership of any member of the association in accordance with the bylaws of the association.

5. The association shall:

(a) Notify the commissioner and the administrator of the termination or cancellation of the membership of any member of the association within 10 days after the termination or cancellation; and

(b) At the expense of the member whose membership is terminated or canceled, maintain coverage for that member for 30 days after notice is given pursuant to paragraph (a), unless the association first receives notice from the administrator that the member has:

(1) Provided and secured compensation according to the terms, conditions and provisions of this chapter for any injury sustained by an employee arising out of and in the course of his employment;

(2) Been certified as a self-insured employer pursuant to NRS 616.293; or

(3) Become a member of another association of self-insured public or private employers.

6. An association is liable for the payment of any compensation required to be paid by a member of the association under this chapter or chapter 617 of NRS during his period of membership. The insolvency or bankruptcy of a member does not relieve the association of liability for the payment of such compensation.

Sec. 33. *An association of self-insured public or private employers shall notify the commissioner of any change in the information submitted in its application for certification or in the manner of its compliance with section 26 of this act not later than 30 days after the change.*

Sec. 34. *1. The commissioner may examine the books, records, accounts and assets of an association of self-insured public or private employers as he deems necessary to carry out the provisions of sections 25 to 51, inclusive, of this act.*

2. The expense of any examination conducted pursuant to this section must be paid by the association.

Sec. 35. *An association of self-insured public or private employers shall be deemed to have appointed the commissioner as its resident agent to receive any initial legal process authorized by law to be served upon the association for as long as the association is obligated to pay any compensation under this chapter or chapter 617 of NRS.*

Sec. 36. *1. An association of self-insured public employers may merge with another association of self-insured public employers if:*

(a) The resulting association assumes in full all obligations of the merging associations; and

(b) The merger is approved by the commissioner.

2. An association of self-insured private employers may merge with another association of self-insured private employers if:

(a) The members of the merging associations are engaged in the same or similar classifications of employment;

(b) The resulting association assumes in full all obligations of the merging associations; and

(c) The merger is approved by the commissioner.

3. The commissioner shall conduct a hearing on the proposed merger if any member of the merging associations so requests. The commissioner may on his own motion conduct such a hearing.

Sec. 37. *1. An association of self-insured public or private employers shall file with the commissioner an audited statement of financial condition prepared by an independent certified public accountant. The statement must be filed on or before April 1 of each year or within 90 days after the conclusion of the association's fiscal year, and contain information for the previous fiscal year.*

2. The statement required by subsection 1 must be in a form prescribed by the commissioner and include, without limitation:

(a) A statement of the reserves for:

(1) Actual claims and expenses;

(2) Claims filed with the association but not reported, and the expenses associated with those claims;

(3) Assessments that are due, but not paid; and

(4) Unpaid debts, which must be shown as liabilities.

(b) An actuarial opinion regarding reserves that is prepared by a member of the American Academy of Actuaries or another specialist in loss reserves identified in the annual statement adopted by the National Association of Insurance Commissioners. The actuarial opinion must include a statement of:

(1) Actual claims and the expenses associated with those claims; and

(2) Claims filed with the association but not reported, and the expenses associated with those claims.

3. The commissioner may adopt a uniform financial reporting system for associations of self-insured public and private employers to ensure the accurate and complete reporting of financial information.

4. The commissioner may require the filing of such other reports as he deems necessary to carry out the provisions of this section, including, without limitation:

(a) Audits of the payrolls of the members of an association of self-insured public or private employers;

(b) Reports of losses; and

(c) Quarterly financial statements.

Sec. 38. *1. Except as otherwise provided in subsection 2, the annual assessment required to be paid by each member of an association of self-insured public or private employers must be calculated by a rating organization approved by the commissioner and based on the premium rate for the standard industrial classification of that member, adjusted by the member's*

individual experience. If approved by the commissioner, payments of assessments may be reduced by an amount based on the association's level of expenses and loss experience.

2. If approved by the commissioner, an association may calculate the annual assessment required to be paid by each member of the association. An assessment calculated by the association must be based on at least 5 years of the member's individual experience.

Sec. 39. *1. The commissioner shall cause to be conducted at least annually an audit of each association of self-insured public or private employers in order to verify:*

(a) The standard industrial classification of each member of the association;

(b) The individual experience of each member of the association;

(c) The payroll of each member of the association; and

(d) The assessment required to be paid by each member of the association.

2. The audit required by this section must be conducted by an auditor approved by the commissioner.

3. A report of the audit must be filed with the commissioner in a form required by the commissioner.

4. The association or any member of the association may request a hearing before the commissioner to object to any standard industrial classification assigned to a member of the association as a result of the audit. If the commissioner determines that the assessment required to be paid by any member of the association is:

(a) Insufficient because of the standard industrial classification assigned to him, the commissioner shall order the association to collect from that member any amount required to recover the deficiency.

(b) Excessive because of the standard industrial classification assigned to him, the commissioner shall order the association to pay to the member the excess amount collected.

5. The expenses of any audit conducted pursuant to this section must be paid by the association.

Sec. 40. *1. If the assets of an association of self-insured public or private employers exceed the amount necessary for the association to:*

(a) Pay its obligations and administrative expenses;

(b) Carry reasonable reserves; and

(c) Provide for contingencies,

the board of trustees of the association may, after obtaining the approval of the commissioner, declare and distribute dividends to the members of the association.

2. Any dividend declared pursuant to subsection 1 must be distributed not less than 12 months after the end of the fiscal year.

3. A dividend may be paid only to those members who are members of the association for the entire fiscal year. The payment of a dividend must not be conditioned upon the member continuing his membership in the association after the fiscal year.

4. An association shall give to each prospective member of the association a written description of its plan for distributing dividends when he applies for membership in the association.

Sec. 41. *1. Each association of self-insured public or private employers shall adopt a plan for the payment of annual assessments by the members of the association which must be approved by the commissioner.*

2. The plan must include a requirement for:

(a) An initial payment, in advance, of a portion of the annual assessment due from each member of the association. If the association is an association of self-insured public employers, the initial payment must be in an amount approved by the commissioner. If the association is an association of self-insured private employers, the initial payment must be in an amount equal to at least 25 percent of the member's annual assessment.

(b) Payment of the balance of the annual assessment due in quarterly or monthly installments.

Sec. 42. *Each association of self-insured public or private employers shall maintain:*

1. Actuarially appropriate loss reserves. Such reserves must include reserves for:

(a) Actual claims and the expenses associated with those claims; and

(b) Claims filed with the association but not reported, and the expenses associated with those claims.

2. Reserves for uncollected debts based on the experience of the association or other associations.

Sec. 43. *1. If the assets of an association of self-insured public or private employers are insufficient to make certain the prompt payment of all compensation under this chapter and chapter 617 of NRS and to maintain the reserves required by section 42 of this act, the association shall immediately notify the commissioner of the deficiency and:*

(a) Transfer any surplus acquired from a previous fiscal year to the current fiscal year to make up the deficiency;

(b) Transfer money from its administrative account to its claims account;

(c) Collect an additional assessment from its members in an amount required to make up the deficiency; or

(d) Take any other action to make up the deficiency which is approved by the commissioner.

2. If the association wishes to transfer any surplus from one fiscal year to another, the association must first notify the commissioner of the transfer.

3. The commissioner shall order the association to make up any deficiency pursuant to subsection 1 if the association fails to do so within 30 days after notifying the commissioner of the deficiency. The association shall be deemed insolvent if it fails to:

(a) Collect an additional assessment from its members within 30 days after being ordered to do so by the commissioner; or

(b) Make up the deficiency in any other manner within 60 days after being ordered to do so by the commissioner.

Sec. 44. *1. The commissioner may issue an order requiring an association of self-insured public or private employers or a member of the association to cease and desist from engaging in any act or practice found to be in violation of any provision of sections 25 to 51, inclusive, of this act, or any regulation adopted pursuant thereto.*

2. If the commissioner determines that an association or a member of the association has violated an order to cease and desist, the commissioner may impose an administrative fine of not more than $10,000 for each violation of the order, not to exceed an aggregate amount of $100,000, or withdraw the certificate of the association, or both.

Sec. 45. *1. The commissioner may impose an administrative fine for each violation of any provision of sections 25 to 51, inclusive, of this act, or any regulation adopted pursuant thereto. Except as otherwise provided in those sections, the amount of the fine may not exceed $1,000 for each violation or an aggregate amount of $10,000.*

2. The commissioner may withdraw the certificate of an association of self-insured public or private employers if:

(a) The association's certificate was obtained by fraud;

(b) The application for certification contained a material misrepresentation;

(c) The association is found to be insolvent;

(d) The association fails to have five or more members;

(e) The association fails to pay the costs of any examination or any penalty, fee or assessment required by the provisions of this chapter;

(f) The association fails to comply with any of the provisions of this chapter or any regulation adopted pursuant thereto;

(g) The association fails to comply with any order of the commissioner within the time prescribed by the provisions of this chapter or in the order of the commissioner; or

(h) The association or its third-party administrator misappropriates, converts, illegally withholds or refuses to pay any money to which a person is entitled and that was entrusted to the association in its fiduciary capacity.

3. If the commissioner withdraws the certification of an association of self-insured public or private employers, each employer who is a member of the association remains liable for his obligations incurred before and after the order of withdrawal.

4. Any employer who is a member of an association whose certification is withdrawn shall, on the effective date of the withdrawal, qualify as an employer pursuant to NRS 616.305.

Sec. 46. *1. Before any action may be taken pursuant to subsection 2, the commissioner shall arrange an informal meeting with an association of self-insured public or private employers to discuss and seek correction of any conduct which would be grounds for withdrawal of the certificate of the association.*

2. Before the withdrawal of the certificate of any association of self-insured public or private employers, the commissioner shall give written notice to the association by certified mail that its certificate will be with-

drawn 10 days after receipt of the notice unless, within that time, the association corrects the conduct set forth in the notice as the reason for the withdrawal or submits a written request for a hearing to the commissioner.

3. If the association requests a hearing:

(a) The commissioner shall set a date for a hearing within 20 days after receiving the request and give the association at least 10 business days' notice of the time and place of the hearing.

(b) A record of the hearing must be kept, but it need not be transcribed unless requested by the association with the cost of transcription to be charged to the association.

(c) Within 5 business days after the hearing, the commissioner shall either affirm or disaffirm the withdrawal and give the association written notice thereof by certified mail. If withdrawal of certification is affirmed, the withdrawal becomes effective 10 business days after the association receives notice of the affirmance unless within that period the association corrects the conduct which was ground for the withdrawal or petitions for judicial review of the affirmance.

4. If the withdrawal of certification is affirmed following judicial review, the withdrawal becomes effective 5 days after entry of the final decree of affirmance.

Sec. 47. *1. If for any reason the status of an association of self-insured public or private employers as an association of self-insured employers is terminated, the security deposited under section 26 of this act must remain on deposit for at least 36 months in such an amount as is necessary to secure the outstanding and contingent liability arising from accidental injuries or occupational diseases secured by the security, or to assure the payment of claims for aggravation and payment of claims under NRS 616.545 based on such accidental injuries or occupational diseases.*

2. At the expiration of the 36-month period, or such other period as the commissioner deems proper, the commissioner may accept in lieu of any security so deposited a policy of paid-up insurance in a form approved by the commissioner.

Sec. 48. *Any association of self-insured public or private employers that is aggrieved by a decision of the commissioner may petition for judicial review in the manner provided by chapter 233B of NRS.*

Sec. 49. *1. For the purposes of sections 25 to 51, inclusive, of this act, an association of self-insured public or private employers is insolvent if it is unable to pay its outstanding obligations as they mature in the regular course of its business.*

2. If an association of self-insured public or private employers becomes insolvent, institutes any voluntary proceeding under the Bankruptcy Act or is named in any voluntary proceeding thereunder, makes a general or special assignment for the benefit of creditors or fails to pay compensation under this chapter or chapter 617 of NRS after an order for the payment of any claim becomes final, the commissioner may, after giving at least 10 days' notice to the association and any insurer or guarantor, use money or interest

on securities, sell securities or institute legal proceedings on surety bonds deposited with the commissioner to the extent necessary to make those payments.

3. A licensed surety providing a surety bond under section 26 of this act may terminate liability on its surety bond by giving the commissioner and the association, third-party administrator or service company 90 days' written notice. The termination does not limit liability that was incurred under the surety bond before the termination. If the association fails to requalify as an association of self-insured public or private employers on or before the termination date, the association's certificate is withdrawn when the termination becomes effective.

Sec. 50. *1. The commissioner may assess all associations of self-insured public or private employers to provide for claims against any insolvent association.*

2. All money received from such assessments must be deposited with the state treasurer to the credit of the account for insolvent associations of self-insured public or private employers, which is hereby created in the fund for workers' compensation and safety. Money in the account must be used solely to carry out the provisions of this section. All claims against the account must be paid as other claims against the state are paid. The state treasurer shall invest money in the account in the same manner and in the same securities in which he may invest money in the state general fund. Income realized from the investment of the money in the account must be credited to the account.

Sec. 51. *The commissioner may adopt such regulations as are necessary to carry out the provisions of sections 25 to 51, inclusive, of this act.*

Sec. 52. *As used in sections 52 to 59, inclusive, of this act, unless the context otherwise requires:*

1. "Charge" means any communication, whether oral, written, electronic or magnetic, which is used to identify specific accident benefits as reimbursable pursuant to this chapter or chapter 617 of NRS, or which may be used to determine a rate of payment pursuant to this chapter or chapter 617 of NRS.

2. "Provider of health care" means a person who receives or attempts to receive payment from:

(a) An insurer;

(b) A third-party administrator; or

(c) An organization for managed care which has contracted with an insurer or third-party administrator,

for accident benefits provided or alleged to have been provided to an injured employee pursuant to the provisions of this chapter or chapter 617 of NRS.

3. "Record" means any medical, professional or business record relating to:

(a) The treatment or care of an injured employee;

(b) Accident benefits provided to an injured employee; or

(c) Rates paid for such accident benefits.

Sec. 53. *For the purposes of sections 54 and 55 of this act:*

1. A person shall be deemed to know that a charge, statement or representation is false if he knows, or by virtue of his position, authority or responsibility has reason to know, of the falsity of the charge, statement or representation.

2. A person shall be deemed to have made or caused to be made a charge, statement or representation if he:

(a) Had the authority or responsibility to:

(1) Make the charge, statement or representation;

(2) Supervise another person who made the charge, statement or representation; or

(3) Authorize the making of the charge, statement or representation, whether by operation of law, business or professional practice or office procedure; and

(b) Exercised that authority or responsibility or failed to exercise that authority or responsibility and, as a direct or indirect result, the charge, statement or representation was made.

Sec. 54. *1. A person shall not, by any act or omission:*

(a) Make a charge or cause it to be made knowing the charge to be false, in whole or in part;

(b) Make or cause to be made a statement or representation for use in obtaining or seeking to obtain authorization to provide specific accident benefits pursuant to this chapter or chapter 617 of NRS, knowing the statement or representation to be false, in whole or in part; or

(c) Make or cause to be made a statement or representation for use by another person to obtain accident benefits pursuant to this chapter or chapter 617 of NRS, knowing the statement or representation to be false, in whole or in part.

2. A person who violates any of the provisions of this section shall be punished:

(a) If the amount of the charge or the value of the accident benefits obtained or sought to be obtained was $250 or more, by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment, and shall be sentenced to restore any accident benefits so obtained, if it can be done, or tender payment for rent or labor.

(b) If the amount of the charge or the value of the accident benefits obtained or sought to be obtained was less than $250, for a misdemeanor, and shall be sentenced to restore any accident benefits so obtained, if it can be done, or tender payment for rent or labor.

Sec. 55. *1. Each invoice for payment for accident benefits provided to an injured employee must:*

(a) Contain a statement that all matters stated therein are true and accurate; and

(b) Be signed by a natural person who is the provider of health care or is authorized to act for the provider of health care.

2. A person who, by any act or omission, signs or submits, or causes to be signed or submitted, the statement required by subsection 1, knowing that the invoice contains information which is false, in whole or in part, is guilty of a gross misdemeanor.

3. For the purposes of this section, a person who signs on behalf of a provider of health care is presumed to have the authorization of the provider of health care and to be acting at his direction.

4. As used in this section, to "sign" means to affix a signature directly or indirectly by means of handwriting, a typewriter, a stamp, a computer impulse or other means.

Sec. 56. *1. Except as otherwise provided in subsection 2, a person shall not:*

(a) While acting on behalf of a provider of health care, purchase or lease goods, services, materials or supplies for which payment may be made, in whole or in part, pursuant to this chapter or chapter 617 of NRS, and solicit or accept anything of additional value in return for or in connection with the purchase or lease;

(b) Sell or lease to or for the use of a provider of health care goods, services, materials or supplies for which payment may be made, in whole or in part, pursuant to this chapter or chapter 617 of NRS, and offer, transfer or pay anything of additional value in connection with or in return for the sale or lease; or

(c) Refer a person to a provider of health care for accident benefits for which payment may be made, in whole or in part, pursuant to this chapter or chapter 617 of NRS, and solicit or accept anything of value in connection with the referral.

2. Paragraphs (a) and (b) of subsection 1 do not apply if the additional value transferred is:

(a) A refund or discount made in the ordinary course of business;

(b) Reflected by the books and records of the person transferring or receiving it; and

(c) Reflected in the charges submitted to the insurer.

3. A person shall not, while acting on behalf of a provider of health care pursuant to this chapter or chapter 617 of NRS, charge, solicit, accept or receive anything of value in addition to the amount legally payable pursuant to this chapter or chapter 617 of NRS in connection with the provision of the accident benefits.

4. A person who violates any provision of this section, if the value of the thing or any combination of things unlawfully solicited, accepted, offered, transferred, paid, charged or received:

(a) Is less than $250, is guilty of a gross misdemeanor.

(b) Is $250 or more, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

Sec. 57. *1. A person who, upon submitting a charge for or upon receiving payment for accident benefits pursuant to this chapter or chapter 617 of NRS, intentionally fails to maintain such records as are necessary to*

disclose fully the nature of the accident benefits for which a charge was submitted or payment was received, or such records as are necessary to disclose fully all income and expenditures upon which rates of payment were based, for at least 5 years after the date on which payment was received, is guilty of a gross misdemeanor.

2. A person who fails to make such records available to the attorney general, manager or the administrator upon reasonable request is guilty of a gross misdemeanor.

3. A person who intentionally destroys such records within 5 years after the date payment was received shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 58. *1. A person who receives payment to which he is not entitled by reason of a violation of any of the provisions of section 54, 55, 56, 57 or 60 of this act is liable in a civil action commenced by the attorney general for:*

(a) An amount equal to three times the amount unlawfully obtained;

(b) Not less than $5,000 for each act of deception;

(c) An amount equal to three times the total amount of the reasonable expenses incurred by the state in enforcing this section; and

(d) Payment of interest on the amount of the excess payment at the rate fixed pursuant to NRS 99.040 for the period from the date upon which payment was made to the date upon which repayment is made.

2. A criminal action need not be brought against a person who receives payment to which he is not entitled by reason of a violation of any of the provisions of section 54, 55, 56, 57 or 60 of this act before civil liability attaches under this section.

3. A person who unknowingly accepts a payment in excess of the amount to which he is entitled is liable for the repayment of the excess amount. It is a defense to any action brought pursuant to this subsection that the person returned or attempted to return the amount which was in excess of that to which he was entitled within a reasonable time after receiving it.

4. Any repayment of money collected pursuant to the provisions of this section must be paid to the insurer who made the payment to the person who violated the provisions of this section. Any payment made to an insurer may not exceed the amount paid by the insurer to that person. If the insurer is the system, the system shall deposit any repayment of money collected pursuant to this section with the state treasurer for credit to the state insurance fund.

5. Any penalty collected pursuant to the provisions of this section must be used to pay the salaries and other expenses of the fraud control unit for industrial insurance established pursuant to section 237 of this act.

Sec. 59. *1. An insurer may withhold any payment due a provider of health care pursuant to the provisions of this chapter or chapter 617 of NRS, in whole or in part, upon receipt of reliable evidence that the provider of health care knowingly made a false statement or representation or knowingly*

concealed a material fact to obtain the payment. The insurer may withhold such a payment without first notifying the provider of health care of its intention to do so.

2. The insurer shall, within 5 days after withholding such a payment, send notice of the withholding to the provider of health care by certified mail. The notice must:

(a) Set forth the factual basis for the withholding, but need not disclose specific information regarding the insurer's investigation;

(b) Indicate that the payment is being withheld pursuant to the provisions of this section;

(c) Indicate that the payment is being withheld temporarily, as set forth in subsection 4, and describe the circumstances under which the withholding will be terminated;

(d) Specify the charge submitted by the provider of health care for which the payment is being withheld; and

(e) Notify the provider of health care of his right to appeal the withholding.

3. A provider of health care may appeal the decision of the insurer to withhold payment to an appeals officer pursuant to NRS 616.5426.

4. Any payment withheld pursuant to the provisions of this section must be made to the provider of health care if:

(a) The insurer or the attorney general determines that there is insufficient evidence to prove that the provider of health care knowingly made a false statement or representation or knowingly concealed a material fact to obtain the payment; or

(b) A final judgment or decree was rendered in favor of the provider of health care in a criminal proceeding arising out of the alleged misconduct.

Sec. 60. *Any person who conspires with any other person to violate any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, of this act is guilty of a gross misdemeanor.*

Sec. 61. *1. The attorney general may prosecute all criminal actions for the violation of any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act.*

2. Upon request, any person shall furnish to the attorney general information which would assist in the prosecution of any person alleged to have violated any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act. Any person who fails to furnish such information upon request is guilty of a misdemeanor.

Sec. 62. *1. The books, records and payrolls of an employer pertinent to the investigation of a violation of any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, sections 54 to 57, inclusive, or section 60 of this act, or any fraud in the administration of chapter 616 or 617 of NRS or in the provision of benefits for industrial insurance, must always be open to inspection by an investigator for the attorney general*

for the purpose of ascertaining the correctness of such information and as may be necessary for the attorney general to carry out his duties pursuant to section 237 of this act.

2. If an employer refuses to produce any book, record, payroll report or other document in conjunction with an investigation conducted by the fraud control unit for industrial insurance, the attorney general may issue a subpena to require the production of that document.

3. If an employer refuses to produce any document as required by the subpena, the attorney general may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of the production of the document;

(b) The employer has been subpenaed by the attorney general pursuant to this section; and

(c) The employer has failed or refused to produce the document required by the subpena,

and asking for an order of the court compelling the employer to produce the document.

4. Upon such petition, the court shall enter an order directing the employer to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why he has not produced the document. A certified copy of the order must be served upon the employer.

5. If it appears to the court that the subpena was regularly issued by the attorney general, the court shall enter an order that the employer produce the required document at the time and place fixed in the order. Failure to obey the order constitutes contempt of court.

Sec. 63. *If a claimant is convicted of violating any of the provisions of NRS 616.630, 616.635, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act, he:*

1. Forfeits all rights to compensation under this chapter or chapter 617 of NRS after conviction for the offense; and

2. Is liable for the reasonable costs incurred by the insurer to investigate and act upon the violation, and for the payments or benefits fraudulently obtained.

Sec. 64. *Except as otherwise provided in NRS 616.260, 616.370 and 616.520, no penalty or remedy provided in this chapter is exclusive of any other penalty or remedy, but is cumulative and in addition to every other penalty or remedy and may be exercised without exhausting and without regard to any other penalty or remedy provided by this chapter or any other statute.*

Sec. 65. *No person is subject to any criminal penalty or civil liability for libel, slander or any similar cause of action in tort if he, without malice, discloses information relating to a violation of any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, sections 54 to*

57, inclusive, or section 60 of this act, or any fraud in the administration of chapter 616 or 617 of NRS or in the provision of benefits for industrial insurance.

Sec. 66. *1. Any person who:*

(a) Is the legal or beneficial owner of 25 percent or more of a business which terminates operations while owing a premium to the system and becomes, or induces or procures another person to become, the legal or beneficial owner of 25 percent or more of a new business engaging in similar operations; or

(b) Knowingly aids or abets another person in carrying out such conduct,

is liable in a civil action for the payment of any premium, interest and penalties owed to the system and the reasonable costs incurred by the system to investigate and act upon such conduct.

2. The system shall not insure any business which engages in the conduct described in subsection 1 unless the premium and any interest and penalties owed to the system have been paid.

3. As used in this section, "business" includes, but is not limited to, a firm, sole proprietorship, voluntary association or private corporation.

Secs. 67-71. (Omitted in amendment.)

Sec. 72. *1. The system shall comply with:*

(a) Those provisions of Title 57 of NRS designated by regulations adopted by the commissioner; and

(b) Any orders issued to the system by the commissioner.

2. Such regulations and orders must comply with the provisions of this chapter and chapter 617 of NRS, including, but not limited to, those provisions governing the investments and operations of the system.

3. The commissioner shall not require the system to pay any licensing fees, assessments or taxes paid to the department of insurance by insurers licensed pursuant to Title 57 of NRS.

4. The system shall pay the costs of any examination of the system conducted by the commissioner, as required by NRS 679B.290, upon presentation by the commissioner of a reasonably detailed written statement of the expenses of the examination.

Sec. 73. *1. Except as otherwise provided in this section and NRS 616.380, each employer insured by the system shall pay a deductible toward the total amount of accident benefits required to be paid for each claim filed by an employee pursuant to this chapter or chapter 617 of NRS. The amount of the employer's premium must not be adjusted based on the deductible required to be paid pursuant to this subsection. The amount of the required deductible:*

(a) For an employer not described in paragraph (b), is an amount equal to the amount of those accident benefits or $100, whichever is less.

(b) For an employer who has been identified pursuant to NRS 616.380 as having excessive losses, is an amount equal to the amount of those accident benefits or $1,000, whichever is less.

2. In addition to paying the deductible required by subsection 1, the manager may offer an employer insured by the system the option of selecting coverage that requires the employer to pay an additional deductible, in an amount agreed to by the manager and the employer. If an employer chooses such coverage:

(a) The premium he is required to pay must be reduced by the manager based on the amount of the additional deductible paid by the employer. The amount of the reduction must be determined by the manager after giving consideration to the solvency of the employer and his ability to pay the additional deductible.

(b) The manager may require the employer to execute and deliver to the system a performance bond in an amount determined by the manager and conditioned upon the ability of the employer to pay the additional deductible.

The manager may not require an employer to pay an additional deductible pursuant to this subsection.

3. Except as otherwise provided in subsection 4, at the end of each billing period, but not less than quarterly, the manager shall bill each employer for the amount he owes pursuant to subsection 1 or 2 for the preceding billing period. If an employer fails to pay this amount to the system on or before the date on which his next payment for premium is due:

(a) The system shall not continue to insure the employer; and

(b) The system may use any security on deposit pursuant to NRS 616.395 to recover the amount owed to the system in accordance with this section.

4. If the manager contracts with one or more organizations for managed care pursuant to sections 74, 75 and 76 of this act, the system shall bill the employer for the amount owed pursuant to subsection 1 or 2 for each claim. If the employer fails to reimburse the system within 60 days, the system:

(a) Shall pay the amount owed to the organization for managed care;

(b) Shall provide written notification to the employer that it has paid the organization for managed care on its behalf; and

(c) Shall not continue to insure the employer if the employer fails to reimburse the system within 10 days after receipt of the notification.

The system may use any security on deposit pursuant to NRS 616.395 to recover the amount owed to the system in accordance with this section.

5. The administrator shall impose an administrative fine of not more than $1,000 against any employer who fails to comply with any of the provisions of this section.

Sec. 74. *1. Except as otherwise provided in sections 75 to 75.6, inclusive, of this act the manager may enter into a contract or contracts with one or more organizations for managed care to provide comprehensive medical and health care services to injured employees whose employers are insured by the system for injuries and diseases that are compensable under this chapter and chapter 617 of NRS.*

2. The selection of such an organization must be made from bids received in accordance with the provisions of NRS 333.300 to 333.335, inclusive, 333.350 and 333.370.

3. The manager shall establish the criteria for the selection of an organization for managed care. The criteria established by the manager must not prohibit any organization for managed care from submitting a bid.

4. A bid must be submitted to the manager in such form and manner as the manager may prescribe and must contain the following information, without limitation:

(a) A copy of the basic organizational document, if any, of the bidder, and all amendments thereto.

(b) A list of the names, addresses, and official positions of the persons who are to be responsible for the conduct of the affairs of the bidder, including all members of the board of directors, board of trustees, executive committee, or other governing board or committee, the officers if the bidder is a corporation, and the partners or members if the bidder is a partnership or association.

(c) A copy of any contract made or to be made between any providers of health care and the bidder.

(d) Certified financial statements showing the bidder's assets, liabilities and sources of financial support.

(e) A list of the names of all persons who will provide medical and health care services under the proposed plan and evidence of compliance with any licensing or certification requirements for those persons to practice in this state.

(f) A description of the times, places and manner of providing medical and health care services under the proposed plan.

(g) Evidence of an ability to comply with any financial requirements to ensure delivery of medical and health care services in accordance with the proposed plan.

(h) Any additional information regarding the proposed plan that the manager requires.

5. After the selection of an organization for managed care, the bids received by the manager and the records related to the bidding are subject to review by any member of the public upon request.

Sec. 75. *The manager shall not enter into a contract with an organization for managed care unless:*

1. The provisions of the contract are approved by the commissioner;

2. The contract contains a provision authorizing the manager to cancel the contract, by written notice, if the manager determines that:

(a) The organization's plan for providing medical and health care services does not comply with the requirements of this section; or

(b) Services under the organization's plan are not being provided in accordance with the terms of the contract;

3. The organization has been issued a certificate of authority by the commissioner pursuant to chapter 695F of NRS; and

4. The organization's proposed plan for providing medical and health care services:

(a) Will provide all medical and health care services that may be required for industrial injuries and occupational diseases that are compensable under this chapter and chapter 617 of NRS, in a manner that assures the availability and accessibility of adequate treatment to injured employees;

(b) Does not exclude from participation in the proposed plan any category of providers of health care who are required to be licensed or certified to practice in this state and willing to comply with the terms and conditions required by the organization to participate in the proposed plan;

(c) Gives injured employees an adequate choice of providers of health care who have contracted with the organization to participate in the proposed plan;

(d) Ensures that, if medical and health care services are to be provided by the organization:

(1) In a county whose population is 50,000 or more, an injured employee residing or employed in that county may choose the services of any provider of health care located in that county or an adjacent county if the employee's residence is not within a 20-mile radius of a provider of health care who has contracted with the organization to participate in the plan and provide the services required by the employee; and

(2) In a county whose population is less than 50,000, an injured employee residing or employed in that county may choose the services of any provider of health care located in that county or an adjacent county;

(e) Provides appropriate financial incentives to reduce costs of medical and health care services without affecting the quality of care provided;

(f) Includes procedures for auditing bills submitted by providers of health care;

(g) Includes procedures for obtaining approval for all major medical procedures before they are performed;

(h) Provides adequate procedures for assuring the quality of care provided, including peer review, utilization review and the resolution of disputes that:

(1) Prevent inappropriate or excessive treatment;

(2) Exclude providers of health care who do not comply with the standards of treatment adopted by the organization; and

(3) Provide for the resolution of complaints submitted to the organization pursuant to section 79 of this act; and

(i) Provides a program for returning injured workers to work as soon as possible.

Sec. 75.2. *The manager shall not enter into a contract with an organization for managed care if the contract provides that the services rendered by the organization will be paid for on a periodic prepaid basis, without regard to the extent of services actually furnished, and will be based solely on the number of employees who will be receiving services through the organization.*

Sec. 75.4. *1. The manager shall not enter into a contract with an organization for managed care to provide comprehensive medical and health care services in a county whose population is 100,000 or more if a legal or*

beneficial owner of the organization, any person responsible for the management of the organization, or any member of the immediate family of such an owner or person is also the legal or beneficial owner or a person responsible for the management of another organization for managed care that has contracted with the manager to provide such services in the same county.

2. As used in this section, "member of the immediate family" means a grandparent, parent, stepparent, spouse, brother, sister, half brother, half sister, natural born child, adopted child, stepchild or grandchild.

Sec. 75.6. *1. In a county whose population is 100,000 or more, but less than 400,000:*

(a) The manager shall contract with at least five organizations for managed care if he chooses to provide medical and health care services to injured employees in that county through a system of managed care.

(b) An organization for managed care that has contracted with the manager may provide medical and health care services to not more than 34 percent of the employees in the county who are insured by the system.

2. In a county whose population is 400,000 or more:

(a) The manager shall contract with at least seven organizations for managed care if he chooses to provide medical and health care services to injured employees in that county through a system of managed care.

(b) An organization for managed care that has contracted with the manager may provide medical and health care services to not more than 25 percent of the employees in the county who are insured by the system.

Sec. 76. *An organization for managed care that enters into a contract with the manager pursuant to section 74 of this act shall submit to the manager such reports as he deems necessary to enable him to determine the effectiveness of the organization's plan for providing medical and health care services to injured employees.*

Sec. 77. *1. The manager shall cause to be conducted such independent evaluations as he deems necessary of the medical and health care services provided by an organization for managed care and providers of health care to injured employees who are insured by the system.*

2. The manager shall contract with a private person to conduct such evaluations.

3. An independent evaluation conducted pursuant to this section must include:

(a) An audit of the records of an organization for managed care or a provider of health care to determine the appropriateness and necessity of the medical and health care services provided to injured employees who are insured by the system;

(b) A review of the procedures established by an organization for managed care for utilization review, the standards of care adopted by the organization and the effectiveness of the organization's plan for providing medical and health care services to injured employees who are insured by the system; and

(c) An evaluation of such other procedures used by an organization for managed care to ensure the quality of care provided, including, without limitation:

(1) The methods used to approve major medical procedures before they are performed;

(2) The procedures for determining the appropriateness of stays in hospitals;

(3) Peer reviews; and

(4) The procedures used to review the services provided to injured employees.

4. Any person performing an independent evaluation pursuant to this section may require an organization for managed care or a provider of health care to submit such information as is necessary to evaluate properly the medical and health care services provided to injured employees who are insured by the system.

Sec. 78. *A self-insured employer may:*

1. Enter into a contract or contracts with one or more organizations for managed care to provide comprehensive medical and health care services to his employees for injuries and diseases that are compensable under this chapter and chapter 617 of NRS.

2. Enter into a contract or contracts with providers of health care, including, without limitation, physicians who provide primary care, specialists, pharmacies, physical therapists, radiologists, nurses, diagnostic facilities, laboratories, hospitals and facilities that provide treatment to outpatients, to provide medical and health care services to his employees for injuries and diseases that are compensable under this chapter and chapter 617 of NRS.

3. Use the services of an organization for managed care that has entered into a contract with the manager pursuant to section 74 of this act, but is not required to use such services.

4. Require his employees to obtain medical and health care services for their industrial injuries from those organizations and persons with whom he has contracted pursuant to subsections 1 and 2, or as he otherwise prescribes.

5. Require his employees to obtain his approval before obtaining medical and health care services for their industrial injuries from a provider of health care who has not been previously approved by the self-insured employer.

Sec. 79. *1. Except as otherwise provided in subsection 2, any person who is aggrieved by a determination of an insurer who has contracted with an organization for managed care that relates to accident benefits must, before requesting a resolution of the dispute pursuant to NRS 616.5422 to 616.544, inclusive, appeal that determination in accordance with the procedure for resolving complaints established by the organization for managed care.*

2. If a person appeals a determination pursuant to a procedure for resolving complaints established by an organization for managed care and the dispute is not resolved within 14 days after it is submitted, he may request a resolution of the dispute pursuant to NRS 616.5422 to 616.544, inclusive.

Sec. 80. *1. If a person wishes to contest an administrative fine imposed by the administrator pursuant to this chapter or chapter 617 of NRS, he must file a notice of appeal with the division within 30 days after the fine is imposed, showing why the proposed fine should not be imposed against him.*

2. If a notice of appeal is filed as required by subsection 1, the administrator shall issue a complaint setting forth the factual basis for his determination that a violation has occurred. The person against whom a complaint is issued shall file an answer to the complaint within 30 days after the complaint is issued. If the person desires a hearing on the matter, by a request for hearing. If an answer and a request for hearing are filed as required by this subsection, the administrator shall set a date for a hearing on the matter, which must be no sooner than 30 days after the answer and request for hearing are filed.

3. If a notice of appeal or an answer is not filed as required by this section, the imposition of the fine shall be deemed a final order and is not subject to review by any court or agency.

4. Except as otherwise provided in NRS 616.425, a hearing held pursuant to this section must be conducted by the administrator or a person designated by him. A record of the hearing must be kept but it need not be transcribed unless it is requested by the person against whom the order or notice of violation has been issued and that person pays the cost of transcription. A written decision affirming or reversing the imposition of the fine must be rendered.

5. An administrative fine imposed pursuant to this chapter or chapter 617 of NRS must be paid to the division. If the violation for which the fine is levied was committed by a person while acting within the course and scope of his agency or employment, the fine must be paid by his principal or employer. The fine may be recovered in a civil action brought in the name of the division in a court of competent jurisdiction in the county in which the violation occurred or in which the person against whom the fine is levied has his principal place of business.

Secs. 81 and 82. (Omitted in amendment.)

Sec. 83. *1. If an employee of an employer who is insured by the system has a permanent physical impairment from any cause or origin and incurs a subsequent disability by injury arising out of and in the course of his employment which entitles him to compensation for a disability that is substantially greater by reason of the combined effects of the preexisting impairment and the subsequent injury than that which would have resulted from the subsequent injury alone, the compensation due must not be charged to the employer's account.*

2. If the subsequent injury of such an employee results in his death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, the compensation due must not be charged to the employer's account.

3. The manager may adopt regulations which are necessary to carry out the requirements of this section.

4. As used in this section, "permanent physical impairment" means any permanent condition, whether congenital or caused by injury or disease, of such seriousness as to constitute a hindrance or obstacle to obtaining employment or to obtaining reemployment if the employee is unemployed. For the purposes of this section, a condition is not a "permanent physical impairment" unless it would support a rating of permanent impairment of 6 percent or more of the whole man if evaluated according to the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented pursuant to NRS 616.427.

Sec. 84. NRS 616.015 is hereby amended to read as follows:

616.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 616.020 to 616.123, inclusive, *and sections 5, 6 and 10 of this act,* have the meanings ascribed to them in those sections.

Sec. 84.5. NRS 616.015 is hereby amended to read as follows:

616.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 616.020 to 616.123, inclusive, and sections *4.5,* 5, 6 and 10 of this act, have the meanings ascribed to them in those sections.

Sec. 85. NRS 616.015 is hereby amended to read as follows:

616.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 616.020 to 616.123, inclusive, and sections [4.5, 5, 6 and] *3 to* 10 , *inclusive,* of this act, have the meanings ascribed to them in those sections.

Sec. 86. NRS 616.025 is hereby amended to read as follows:

616.025 *1.* "Accident benefits" means medical, surgical, hospital or other treatments, nursing, medicine, medical and surgical supplies, crutches and apparatuses, including [artificial members.] *prosthetic devices.*

2. The term includes medical benefits as defined by NRS 617.130 and any preventive treatment administered as a precaution to an employee who is exposed to a contagious disease while providing medical services, including emergency medical care, in the course and scope of his employment.

3. The term does not include:

(a) Exercise equipment, a hot tub or a spa for an employee's home;

(b) Membership in an athletic or health club;

(c) Except as otherwise provided in NRS 616.515, a motor vehicle; or

(d) The costs of operating a motor vehicle provided pursuant to NRS 616.515, fees related to the operation or licensing of the motor vehicle or insurance for the motor vehicle.

Sec. 87. NRS 616.027 is hereby amended to read as follows:

616.027 1. Except as otherwise provided in subsection 3, "average monthly wage" means the lesser of:

(a) The monthly wage actually received or deemed to have been received by the employee on the date of the accident or injury to the employee , excluding remuneration from employment:

(1) Not subject to the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act; *and*

(2) [Specified in NRS 616.255 or 617.180; and

(3)] For which coverage is elective, but has not been elected; or

(b) One hundred fifty percent of the state average weekly wage as most recently computed by the employment security department during the fiscal year preceding the date of the injury or accident, multiplied by 4.33.

2. For the purposes of [this section, "wage" is] *subsection 1:*

(a) The date of the accident or injury to the employee must be determined pursuant to NRS 616.625.

(b) "Wage":

(1) Does not include any amount paid by an employer for health insurance that covers an employee or his dependents, or both.

(2) Is increased by the amount of tips reported by an employee to his employer pursuant to 26 U.S.C. § 6053(a), except:

[(a)] *(I)* Tips in a form other than cash; and

[(b)] *(II)* Tips in cash which total less than $20 per month.

3. For the purpose of increasing compensation for permanent total disability pursuant to NRS 616.6262 or increasing death benefits pursuant to NRS 616.6282, "average monthly wage" has the meaning shown in the following schedule:

Effective Date	Average Monthly Wage for Prior Fiscal Year
July 1, 1973	$688.60
July 1, 1974	727.48
July 1, 1975	761.47
July 1, 1976	807.33
July 1, 1977	858.29
July 1, 1978	918.05
July 1, 1979	992.31
July 1, 1980	1,061.24

Sec. 88. (Omitted in amendment.)

Sec. 89. NRS 616.067 is hereby amended to read as follows:

616.067 Persons who perform volunteer work in any formal program which is being conducted:

1. Within a state or local public organization;

2. By a federally assisted organization; or

3. By a private, incorporated, nonprofit organization which provides services to the general community,

and who are not specifically covered by any other provisions of this chapter, while engaged in such volunteer work, may be deemed by the system, or by a self-insured employer [,] *or an employer who is a member of an association of self-insured public or private employers,* for *the* purposes of this chapter, as employees of that organization at a wage of $100 per month . [and] *Such persons* are entitled to the benefits of this chapter when the organization approves coverage and complies with the provisions of this chapter and regulations adopted pursuant to it.

Sec. 90. NRS 616.068 is hereby amended to read as follows:

616.068 Persons other than students who, under a written agreement between a public agency and a private organization, perform volunteer work for a private organization as part of a public program and who are not specifically covered by any other provisions of this chapter, while engaging in that volunteer work, may be deemed by the system, or by a self-insured employer [,] *or an employer who is a member of an association of self-insured public or private employers,* for *the* purposes of this chapter, as employees of the public agency at a wage of $100 per month . [and] *Such persons* are entitled to the benefits of this chapter when the public agency complies with the provisions of this chapter and the regulations adopted under it.

Sec. 91. NRS 616.110 is hereby amended to read as follows:

616.110 1. "Injury" [and] *or* "personal injury" means a sudden and tangible happening of a traumatic nature, producing an immediate or prompt result [,] *which is established by medical evidence,* including injuries to [artificial members.] *prosthetic devices.* Any injury sustained by an employee while engaging in an athletic or social event sponsored by his employer shall be deemed not to have arisen out of or in the course of employment unless the employee received remuneration for participation in the event.

2. For the purposes of this chapter [, coronary] *:*

(a) Coronary thrombosis, coronary occlusion, or any other ailment or disorder of the heart, and any death or disability ensuing therefrom, shall be deemed not to be an injury by accident sustained by an employee arising out of and in the course of his employment.

[3. For the purposes of this chapter, the]

(b) The exposure of an employee to a contagious disease while providing medical services, including emergency medical care, in the course and scope of his employment shall be deemed to be an injury by accident sustained by the employee arising out of and in the course of his employment.

Sec. 92. NRS 616.1103 is hereby amended to read as follows:

616.1103 "Insurer" includes the state industrial insurance system [,] *and* self-insured employers . [and those employers covered under the provisions of NRS 616.255 and 616.256.]

Sec. 93. NRS 616.1103 is hereby amended to read as follows:

616.1103 "Insurer" includes [the] *:*

1. The state industrial insurance system [and self-insured employers.] *;*

2. A self-insured employer;

3. An association of self-insured public employers; and

4. An association of self-insured private employers.

Sec. 94. NRS 616.1701 is hereby amended to read as follows:

616.1701 1. The state industrial insurance system is hereby established as an independent actuarially funded system for the purpose of insuring employers against liability for injuries and occupational diseases for which

their employees may be entitled to benefits under this chapter or chapter 617 of NRS, and the federal Longshoremen's and Harbor Workers' Compensation Act.

2. The system is a public agency which administers and is supported by the state insurance fund. The executive and legislative departments of the state government shall regularly review the system.

3. The system is entitled to use any services provided to state agencies, and must use the services of the purchasing division of the department of general services. The system is not required to use [any other service.] *the services provided by any other state agency.* Except as otherwise provided for specified positions, its employees are in the classified service of the state.

4. The official correspondence and records, *including financial records,* other than the files of individual claimants and policyholders, and the minutes and books of the system are public records and must be available for public inspection.

Secs. 95-97. (Omitted in amendment.)

Sec. 98. NRS 616.1709 is hereby amended to read as follows:

616.1709 The [board] *governor* shall:

1. Appoint the manager, who shall serve at the pleasure of the [board.] *governor.*

2. Approve annual and biennial budgets of the system.

3. Approve investment policies of the system.

4. Approve the appointment of investment counselors and custodians of investments.

5. Approve the designation of banks as collection depositories.

6. Approve the appointment of an independent actuary and arrange for an annual actuarial valuation and report of the soundness of the system as prepared by the independent actuary.

7. Appoint an independent certified accountant who shall provide an annual audit of the system and report to the [board.] *governor.*

8. Before each legislative session, report to the [governor and the] legislature on the operation of the system and any recommendation for legislation which [the board] *he* deems appropriate.

9. On [its] *his* own initiative or at the request of the manager, review any matter related to the operation of the system and [make such advisory recommendations] *give such directions* to the manager as [the board] *he* deems appropriate.

Sec. 98.5. NRS 616.1709 is hereby amended to read as follows:

616.1709 The [governor] *manager* shall:

1. [Appoint the manager, who shall serve at the pleasure of the governor.

2.] Approve annual and biennial budgets of the system.

[3.] *2.* Approve investment policies of the system.

[4.] *3.* Approve the appointment of investment counselors and custodians of investments.

[5.] *4.* Approve the designation of banks as collection depositories.

[6.] *5.* Approve the appointment of an independent actuary and arrange for an annual actuarial valuation and report of the soundness of the system as prepared by the independent actuary.

[7.] *6.* Appoint an independent certified accountant who shall provide an annual audit of the system and report to the [governor.

8.] *manager.*

7. Before each legislative session, report to the legislature on the operation of the system and any recommendation for legislation which he deems appropriate.

[9. On his own initiative or at the request of the manager, review any matter related to the operation of the system and give such directions to the manager as he deems appropriate.]

Sec. 99. NRS 616.1711 is hereby amended to read as follows:

616.1711 There is no liability in a private capacity on the part of the [board or any member thereof.] *governor while carrying out his duties pursuant to this chapter.*

Sec. 99.5. NRS 616.1711 is hereby amended to read as follows:

616.1711 There is no liability in a private capacity on the part of the [governor] *manager* while carrying out his duties pursuant to this chapter.

Sec. 100. NRS 616.1713 is hereby amended to read as follows:

616.1713 1. The [board] *governor* shall appoint a manager to be in charge of the operation of the system.

2. The manager is the chief executive officer of the system and is responsible for all duties of the system except for those duties specified by statute for the [board.] *governor.*

3. The manager shall serve at the pleasure of the [board.] *governor.*

4. The manager must:

(a) Be a graduate of a 4-year college or university with a degree in business administration or public administration or equivalent degree; and

(b) Possess at least 5 years' experience in a high level administrative or executive capacity, with responsibility for a variety of administrative functions such as retirement, insurance, investment or fiscal operations.

5. Before undertaking the duties of the office, the manager shall qualify by giving an official bond in an amount and with sureties approved by the [board.] *governor.* The manager shall file the bond with the secretary of state. The premium for the bond must be paid by the system.

Sec. 100.5. NRS 616.1713 is hereby amended to read as follows:

616.1713 1. The governor shall appoint a manager to be in charge of the operation of the system.

2. The manager is the chief executive officer of the system and is responsible for all duties of the system . [except for those duties specified by statute for the governor.]

3. The manager shall serve at the pleasure of the governor.

4. The manager must:

(a) Be a graduate of a 4-year college or university with a degree in business administration or public administration or equivalent degree; and

(b) Possess at least 5 years' experience in a high level administrative or executive capacity, with responsibility for a variety of administrative functions such as retirement, insurance, investment or fiscal operations.

5. Before undertaking the duties of the office, the manager shall qualify by giving an official bond in an amount and with sureties approved by the governor. The manager shall file the bond with the secretary of state. The premium for the bond must be paid by the system.

Sec. 101. NRS 616.1715 is hereby amended to read as follows:

616.1715 1. The manager shall select assistant managers whose appointments are effective upon confirmation by the [board.] *governor.*

2. The assistant managers shall serve at the pleasure of the manager.

3. The assistant managers must be graduates of a 4-year college or university with a degree in business administration or public administration or an equivalent degree.

Sec. 102. NRS 616.1717 is hereby amended to read as follows:

616.1717 The manager and assistant managers are in the unclassified service of the state but are entitled to receive annual salaries fixed by the [board.] *governor.*

Sec. 103. NRS 616.1721 is hereby amended to read as follows:

616.1721 Subject to the limitations of this chapter and the budget prescribed by the [board,] *governor,* the system must be administered by the manager, assistant managers, and a staff appointed by the manager.

Sec. 103.2. NRS 616.1721 is hereby amended to read as follows:

616.1721 Subject to the limitations of this chapter and the budget prescribed by the [governor,] *manager,* the system must be administered by the manager, assistant managers, and a staff appointed by the manager.

Sec. 103.5. NRS 616.1722 is hereby amended to read as follows:

616.1722 1. The manager shall make available a program, using a videotape cassette or other means of presentation, concerning the rights and responsibilities of employers and employees pursuant to this chapter and chapter 617 of NRS. The manager shall provide written notification concerning the availability of the program to each chamber of commerce in Nevada and to each statewide association for a business or industry. The program must be available to community organizations, businesses, employers and employees upon request.

2. The manager shall provide each:

(a) Employer who attends a program, a certificate which certifies that he has completed the program described in subsection 1. The employer shall post the certificate in his business in a place that is readily accessible and visible to his employees.

(b) Employee who attends a program, a card which certifies that he has completed the program described in subsection 1.

[3. The manager shall identify those employers whose employees sustained injuries during the preceding calendar year at a rate that he determines is significantly greater than the rate of injuries for that industry as a whole. The manager shall provide consultation concerning safety to such employers.

4. If an employer refuses to consult with the manager concerning safety, the manager may assess the employer an administrative penalty of not more than $1,000 or adjust the premium rate of the employer.]

Sec. 104. NRS 616.1723 is hereby amended to read as follows:

616.1723 The manager:

1. Subject to the authority of the [board,] *governor,* has full power, authority and jurisdiction over the system.

2. May perform all acts necessary or convenient in the exercise of any power, authority or jurisdiction over the system, either in the administration of the system or in connection with the business of insurance to be carried on by the system under the provisions of this chapter, including the establishment of premium rates.

3. May appoint in the unclassified service of the state no more than five persons, engaged in management, who report directly to the manager or an assistant manager. The [board] *governor* shall designate these positions, and may not change them without the approval of the personnel commission. These persons are entitled to receive annual salaries fixed by the [board.] *governor.*

Sec. 104.5. NRS 616.1723 is hereby amended to read as follows:

616.1723 The manager:

1. [Subject to the authority of the governor, has] *Has* full power, authority and jurisdiction over the system.

2. May perform all acts necessary or convenient in the exercise of any power, authority or jurisdiction over the system, either in the administration of the system or in connection with the business of insurance to be carried on by the system under the provisions of this chapter, including the establishment of premium rates.

3. May appoint in the unclassified service of the state no more than five persons, engaged in management, who report directly to the manager or an assistant manager. The [governor] *manager* shall designate these positions, and may not change them without the approval of the personnel commission. These persons are entitled to receive annual salaries fixed by the [governor.] *manager.*

Sec. 105. NRS 616.175 is hereby amended to read as follows:

616.175 The system shall:

1. Keep and maintain its office in Carson City, Nevada.

2. Keep and maintain suboffices at such places in the state as industrial activity warrants, and shall locate one suboffice in the Las Vegas area. [Suboffices must] *If determined practicable by the system, a suboffice may* have complete facilities for processing claims for injuries.

3. Provide statewide, toll-free telephone service on state WATS lines to the Carson City office, and all suboffices, or accept collect calls from claimants.

Sec. 106. NRS 616.180 is hereby amended to read as follows:

616.180 1. The system may, pursuant to [a resolution of the board approved by] *the approval of* the governor, invest not to exceed 10 percent of the total assets of the state insurance fund in rehabilitation buildings and

facilities and facilities and office buildings in this state. The system shall cooperate with the state public works board in all planning and construction undertaken by the system pursuant to this section. The system may occupy whatever room or rooms are necessary for the performance of its duties, and any such buildings or portions thereof not occupied by the system may be rented only to other state agencies, departments, commissions, bureaus and officers.

2. The title of any real property purchased under the authority granted by subsection 1 must be examined and approved by the attorney general.

3. Any income derived from rentals must be deposited as provided in NRS 616.450.

4. The system may, pursuant to [a resolution of the board approved by] *the approval of* the governor, sell any real property acquired by it pursuant to the provisions of subsection 1. All money received by the system for the sale of such real property must be deposited in the state insurance fund.

Sec. 106.5. NRS 616.180 is hereby amended to read as follows:

616.180 1. The system may [, pursuant to the approval of the governor,] invest not to exceed 10 percent of the total assets of the state insurance fund in rehabilitation buildings and facilities and facilities and office buildings in this state. The system shall cooperate with the state public works board in all planning and construction undertaken by the system pursuant to this section. The system may occupy whatever room or rooms are necessary for the performance of its duties, and any such buildings or portions thereof not occupied by the system may be rented only to other state agencies, departments, commissions, bureaus and officers.

2. The title of any real property purchased under the authority granted by subsection 1 must be examined and approved by the attorney general.

3. Any income derived from rentals must be deposited as provided in NRS 616.450.

4. The system may [, pursuant to the approval of the governor,] sell any real property acquired by it pursuant to the provisions of subsection 1. All money received by the system for the sale of such real property must be deposited in the state insurance fund.

Sec. 107. NRS 616.182 is hereby amended to read as follows:

616.182 1. Except as otherwise provided in this section, the department [of industrial relations] shall regulate insurers under this chapter and chapter 617 of NRS and investigate insurers regarding compliance with statutes and the department's regulations.

2. The commissioner [of insurance] is responsible for reviewing rates, investigating the solvency of insurers and certifying self-insured employers and third-party administrators pursuant to NRS 616.291 to 616.298, inclusive, [NRS] 616.338 and chapter 683A of NRS.

3. The department of administration is responsible for [administrative appeals] *contested claims* relating to workers' compensation pursuant to NRS 616.541 to 616.544, inclusive [.] , *and section 79 of this act.* The system is responsible for administrative appeals pursuant to NRS 616.392.

4. The Nevada attorney for injured workers is responsible for legal representation of claimants pursuant to NRS 616.253 to 616.2539, inclusive.

5. The division [of industrial insurance regulation] is responsible for the investigation of complaints. If a complaint is filed with the division by an employee of a self-insured employer, or by a third-party administrator or provider of medical care regarding compliance of a self-insured employer with statutes or the department's regulations, the administrator shall cause to be conducted an investigation which includes a review of relevant records and interviews of affected persons.

6. If an investigation conducted pursuant to subsection 5 indicates that a self-insured employer has failed to comply with a statute or regulation, the administrator may order that an evidentiary hearing take place. Upon a finding that material noncompliance has occurred, the administrator shall impose a fine of not more than $1,000 against the self-insured employer. Two or more findings of material noncompliance within a 12-month period constitute grounds for the suspension of the self-insured employer's certification by the commissioner . [of insurance.]

Sec. 108. NRS 616.182 is hereby amended to read as follows:

616.182 1. Except as otherwise provided in this section, the department shall regulate insurers under this chapter and chapter 617 of NRS and investigate insurers regarding compliance with statutes and the department's regulations.

2. The commissioner is responsible for reviewing rates, investigating the solvency of insurers and certifying self-insured employers , *associations of self-insured public or private employers* and third-party administrators pursuant to NRS 616.291 to 616.298, inclusive, 616.338 and chapter 683A of NRS [.] *and sections 25 to 51, inclusive, of this act.*

3. The department of administration is responsible for contested claims relating to workers' compensation pursuant to NRS 616.541 to 616.544, inclusive, and section 79 of this act. The system is responsible for administrative appeals pursuant to NRS 616.392.

4. The Nevada attorney for injured workers is responsible for legal representation of claimants pursuant to NRS 616.253 to 616.2539, inclusive.

5. The division is responsible for the investigation of complaints. If a complaint is filed with the division by an employee of a self-insured employer [,] *or of an employer who is a member of an association of self-insured public or private employers,* or by a third-party administrator or provider of medical care regarding compliance [of a self-insured employer] with statutes or the department's regulations, the administrator shall cause to be conducted an investigation which includes a review of relevant records and interviews of affected persons.

6. If an investigation conducted pursuant to subsection 5 indicates that a self-insured employer *or an association of self-insured public or private employers* has failed to comply with a statute or regulation, the administrator may order that an evidentiary hearing take place. Upon a finding that

[material] *intentional or repeated* noncompliance has occurred, the administrator shall impose [a fine of not more than $1,000 against the self-insured employer.] *an administrative fine of not more than $250 for each initial noncompliance which was not intentional, or a fine of not more than $1,000 for each intentional or repeated noncompliance.* Two or more findings of material noncompliance within a 12-month period constitute grounds for the suspension of the self-insured employer's *or association's* certification by the commissioner.

Sec. 109. (Omitted in amendment.)

Sec. 110. NRS 616.187 is hereby amended to read as follows:

616.187 1. The director shall cause to be conducted at least every 3 years an audit of all insurers who provide benefits to injured employees pursuant to this chapter or chapter 617 of NRS. The director shall cause to be conducted each year on a random basis additional partial audits of any insurer who has a history of violations of the provisions of this chapter or chapter 617 of NRS, or the regulations adopted pursuant thereto, as determined by the director.

2. The director shall require the use of standard auditing procedures and shall establish a manual to describe the standard auditing procedures. The manual must include:

(a) Specific audit objectives;

(b) Standards for documentation;

(c) Policies for supervisory review;

(d) Policies for the training of auditors;

(e) The format for the audit report; and

(f) Procedures for the presentation, distribution and retention of the audit report.

3. The commissioner and the director shall establish a procedure for sharing information between the department of insurance and the department concerning the qualifications of employers as self-insured employers pursuant to NRS 616.291 [.] *or as an association of self-insured public or private employers pursuant to section 26 of this act.*

4. On or before March 1 of each year, the director shall make a report of each audit to the legislature, if it is in session, or to the interim finance committee if the legislature is not in session.

Sec. 111. NRS 616.192 is hereby amended to read as follows:

616.192 1. Except as otherwise provided in this section and in NRS 616.193 and 616.550, information obtained from any employer or employee is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's identity.

2. Any claimant or his legal representative is entitled to information from the records of the insurer, to the extent necessary for the proper presentation of a claim in any proceeding under this chapter.

3. The department and administrator are entitled to information from the records of the insurer which is necessary for the performance of their duties. The manager may, by regulation, prescribe the manner in which otherwise confidential information may be made available to:

(a) Any agency of this or any other state charged with the administration or enforcement of workers' compensation law, unemployment compensation law, public assistance law or labor law;

(b) Any state or local agency for the enforcement of child support; [or]

(c) The Internal Revenue Service of the Department of the Treasury [.] ; *and*

(d) The state contractors' board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

Information obtained in connection with the administration of a workers' compensation program may be made available to persons or agencies for purposes appropriate to the operation of a workers' compensation program.

4. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this state may submit a written request to the manager that he furnish from the records of the insurer, the name, address and place of employment of any person listed in the records of the insurer. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of a request, the manager shall furnish the information requested. He may charge a reasonable fee to cover any related administrative expenses.

5. The manager shall provide lists containing the names and addresses of employers, the number of employees employed by each employer and the total wages paid by each employer to the department of taxation, upon request, for its use in verifying returns for the business tax. The manager may charge a reasonable fee to cover any related administrative expenses.

6. If [any employee or member of the board of directors or] *the* manager or any employee of the manager, in violation of this section, discloses information obtained from files of claimants or policyholders, or if any person who has obtained a list of claimants or policyholders under this chapter uses or permits the use of the list for any political purposes, he is guilty of a gross misdemeanor.

7. All letters, reports or communications of any kind, oral or written, from the insurer, or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 112. NRS 616.1925 is hereby amended to read as follows:

616.1925 1. The director shall establish a method of indexing claims for compensation that will make information concerning the claimants of one insurer available to other insurers.

2. [The index of claims must include claims filed with:

(a) The system; and

(b) Self-insured employers after January 1, 1984.

3.] Every self-insured employer *and the system* shall provide information as required by the director for establishing and maintaining the index of claims.

[4.] *3.* If an employee files a claim with an insurer, the insurer is entitled to receive from the director a list of the prior claims of the employee. If the insurer desires to inspect the files related to the prior claims, he must obtain the written consent of the employee.

[5.] *4.* Any information obtained from the index of claims must be admitted into evidence in any hearing before an appeals officer, a hearing officer or the administrator.

[6.] *5.* The department may assess and collect a reasonable fee for its services provided pursuant to this section. The fee must be payable monthly or at such other intervals as determined by the director.

Sec. 113. NRS 616.1925 is hereby amended to read as follows:

616.1925 1. The director shall establish a method of indexing claims for compensation that will make information concerning the claimants of one insurer available to other insurers.

2. Every self-insured employer , *association of self-insured public or private employers* and the system shall provide information as required by the director for establishing and maintaining the index of claims.

3. If an employee files a claim with an insurer, the insurer is entitled to receive from the director a list of the prior claims of the employee. If the insurer desires to inspect the files related to the prior claims, he must obtain the written consent of the employee.

4. Any information obtained from the index of claims must be admitted into evidence in any hearing before an appeals officer or the administrator.

5. The department may assess and collect a reasonable fee for its services provided pursuant to this section. The fee must be payable monthly or at such other intervals as determined by the director.

Sec. 114. NRS 616.220 is hereby amended to read as follows:

616.220 The administrator shall:

1. Prescribe by regulation the time within which adjudications and awards must be made.

2. Regulate forms of notices, claims and other blank forms deemed proper and advisable.

3. Prescribe by regulation the methods by which an insurer may approve or reject claims, and may determine the amount and nature of benefits payable in connection therewith. [Every such approval, rejection and determination is subject to review by a hearing officer.]

4. Provide by regulation for adequate notice to each claimant *and employer* of his right:

(a) To [review by a hearing officer of any determination or rejection by the insurer.] *the resolution of a contested claim in the manner provided in section 79 of this act.*

(b) *To a hearing in the manner provided in NRS 616.5412 to 616.544, inclusive.*

(c) To judicial review of any final decision.

5. [Prescribe by regulation the criteria by which an insurer who orders rehabilitative services for an injured worker must provide those services.

6.] Prescribe by regulation the method for reimbursing an injured [worker] *employee* for expenses necessarily incurred for travel more than 20 miles one way from his residence or place of employment to his destination as a result of an industrial injury.

[7.] *6.* Except with respect to any matter committed by specific statute to the regulatory authority of another person or agency, adopt such other regulations as he deems necessary to carry out the provisions of this chapter and chapter 617 of NRS.

Sec. 115. NRS 616.222 is hereby amended to read as follows:

616.222 1. Except as otherwise provided in this section, [to aid in returning an injured employee to work or to assist in lessening or removing any resulting handicap, the insurer shall order counseling, training or other rehabilitative services for the injured employee regardless of the date on which he first became entitled to compensation.

2. Before ordering any rehabilitative services for an injured employee there must first be a consultation with the injured employee and the treating physician or chiropractor with respect to whether the proposed program is compatible with the injured employee's age, sex and physical condition. If the services will involve a change in vocation, the consultation must also include a consultation with the employer of the injured employee and a rehabilitation counselor.

3. An] *an* injured employee is *not* eligible for vocational rehabilitation services [if:] *, unless:*

(a) The treating physician or chiropractor approves the return of the injured employee to work but imposes *permanent*restrictions that prevent the injured employee from returning to the [job he held before] *the position that he held at the time of* his injury [and the employer of the injured employee] *;*

(b) The injured employee's employer does not offer employment that the employee is eligible for considering [those restrictions; or

(b) During the course of treatment, the treating physician or chiropractor recommends the injured employee for assessment for vocational rehabilitation services.

4. Vocational rehabilitation services ordered by an insurer may include the formal education of the injured employee only if:

(a) The priorities set forth in NRS 616.378 for returning an injured employee to work are followed;

(b) The education is recommended by a plan of vocational rehabilitation; and

(c) A written proposal concerning the probable economic benefits to the employee and the necessity of the education is submitted to the insurer.

5.] *the restrictions imposed pursuant to paragraph (a); and*

(c) The injured employee is unable to return to gainful employment at a gross wage that is equal to or greater than 80 percent of the gross wage that he was earning at the time of his injury.

2. If the treating physician or chiropractor imposes permanent restrictions on the injured employee for the purposes of paragraph (a) of subsection 1, he shall specify in writing:

(a) The medically objective findings upon which his determination is based; and

(b) A detailed description of the restrictions.

The treating physician or chiropractor shall mail a copy of the findings and the description of the restrictions to the insurer.

3. If there is a question as to whether the restrictions imposed upon the injured employee are permanent, the employee may receive vocational rehabilitation services until a final determination concerning the duration of the restrictions is made.

4. Vocational rehabilitation services must cease as soon as the injured employee is no longer eligible for the services pursuant to subsection 1.

5. An injured employee is not entitled to vocational rehabilitation services solely because the position that he held at the time of his injury is no longer available.

6. An injured employee or his dependents are not entitled to accrue or be paid any money for vocational rehabilitation services during the time the injured employee is incarcerated.

7. Any *injured* employee eligible for compensation other than accident benefits may not be paid those benefits if he refuses counseling, training or other *vocational* [rehabilitative] *rehabilitation* services offered by the insurer.

[6.] *Except as otherwise provided in NRS 616.252, an injured employee shall be deemed to have refused counseling, training and other vocational rehabilitation services while he is incarcerated.*

8. If an insurer cannot locate an injured employee for whom it has ordered vocational [rehabilitative] *rehabilitation* services, the insurer may close his claim 21 days after the insurer determines that the employee cannot be located. The insurer must make a reasonable effort to locate the employee.

[7.] *9.* The reappearance of the injured employee after his claim has been closed does not automatically reinstate his eligibility for vocational [rehabilitative] *rehabilitation* benefits. If the employee wishes to reestablish his eligibility for such benefits, he must file a written application with the insurer to reinstate his claim. The insurer shall reinstate the employee's claim if good cause is shown for the employee's absence.

Sec. 116. NRS 616.2225 is hereby amended to read as follows:

616.2225 1. The system may execute an agreement for the provision of vocational rehabilitation services for injured employees with a private person [if:

(a) The manager proves to the satisfaction of the administrator that such an agreement is necessary because the system lacks sufficient resources to provide such services for all injured employees presently eligible for them; and

(b)] *who is qualified to provide such services or a public agency that provides such services.* The selection of a private person *or public agency* to provide vocational rehabilitation services [is] *must be* made from bids received in accordance with chapter 333 of NRS.

2. The manager shall [appoint a committee of five persons to oversee the bidding and] develop criteria for the selection of a private person *or public agency* to provide vocational rehabilitation services. The criteria must include, without limitation:

(a) A bidder's previous record of successful rehabilitation of injured employees, including the average costs of the placement of those employees in other employment;

(b) A bidder's performance on previous contracts entered into with governmental agencies;

(c) The services provided by a bidder with regard to training injured employees for and placing them in other employment, and the average rates of pay for that employment; and

(d) The record of a bidder in placing injured employees in other employment.

[The] *A* successful bidder must be selected based on these criteria. [The committee may assign a different value to each of the various criterion.]

3. The bidding and the records related to the bidding are subject to review by any member of the public upon request.

4. [The successful bidder must be a person certified to provide vocational rehabilitation services by a national organization recognized and approved by the director.] *Except as otherwise provided in this subsection and subsection 5, the provisions of this section do not preclude the system from providing vocational rehabilitation services for injured employees if the manager proves to the satisfaction of the administrator that the system may provide such services at a cost which is lower than the cost of vocational rehabilitation services that are available from a private person or public agency. In no event during any year may the system develop a majority of the plans for programs of vocational rehabilitation for injured employees insured by the system.*

5. The system shall consider its primary responsibility the accomplishment of the following components of vocational rehabilitation:

(a) Facilitating early intervention.

(b) Preparing job assessments and analyses.

(c) Developing and maintaining a list of jobs that may be suitable for injured employees pursuant to section 21.6 of this act.

(d) Determining the eligibility of injured employees for vocational rehabilitation.

The system shall consider as secondary its responsibility to develop plans for programs of vocational rehabilitation.

6. As used in this section, "public agency" means:

(a) Any agency of this state or the United States; and

(b) Any political subdivision of this state.

Sec. 116.5. NRS 616.2225 is hereby amended to read as follows:

616.2225 1. The system may execute an agreement for the provision of vocational rehabilitation services for injured employees with a private person who is qualified to provide such services or a public agency that

provides such services. The selection of a private person or public agency to provide vocational rehabilitation services must be made from bids received in accordance with chapter 333 of NRS.

2. The manager shall develop criteria for the selection of a private person or public agency to provide vocational rehabilitation services. The criteria must include, without limitation:

(a) A bidder's previous record of successful rehabilitation of injured employees, including the average costs of the placement of those employees in other employment;

(b) A bidder's performance on previous contracts entered into with governmental agencies;

(c) The services provided by a bidder with regard to training injured employees for and placing them in other employment, and the average rates of pay for that employment; and

(d) The record of a bidder in placing injured employees in other employment.

A successful bidder must be selected based on these criteria.

3. The bidding and the records related to the bidding are subject to review by any member of the public upon request.

4. Except as otherwise provided in this subsection and subsection 5, the provisions of this section do not preclude the system from providing vocational rehabilitation services for injured employees if the manager proves to the satisfaction of the administrator that the system may provide such services at a cost which is lower than the cost of vocational rehabilitation services that are available from a private person or public agency. In no event during any year may the system develop a majority of the plans for programs of vocational rehabilitation for injured employees insured by the system.

5. The system shall consider its primary responsibility the accomplishment of the following components of vocational rehabilitation:

(a) Facilitating early intervention.

(b) Preparing job assessments and analyses.

(c) Developing and maintaining a list of jobs that may be suitable for injured employees pursuant to section 21.6 of this act.

(d) Determining the eligibility of injured employees for vocational rehabilitation.

The system shall consider as secondary its responsibility to develop plans for programs of vocational rehabilitation.

6. *If the system contracts with a private person or a public agency to provide vocational rehabilitation services, a certified vocational rehabilitation counselor employed by the system shall approve or disapprove each plan for a program of rehabilitation services developed by the private person or public agency pursuant to section 21.4 of this act. At the request of a counselor, the manager may, upon good cause, extend the period for approval by 21 days. If the manager intends to grant such an extension, the manager shall notify the private person or public agency that is providing the vocational rehabilitation services of the extension on or before the 21st*

day after the plan was submitted. If the counselor does not grant an extension or approve or disapprove of the plan and notify the private person or public agency of his decision within 21 days after the plan was submitted to the system, the plan shall be deemed approved.

7. The provisions of this section do not preclude the system from providing vocational rehabilitation services for injured employees if the manager proves to the satisfaction of the administrator that the system may provide such services at a cost which is lower than the cost of vocational rehabilitation services that are available from a private person or public agency.

[6.] *8.* As used in this section, "public agency" means:

(a) Any agency of this state or the United States; and

(b) Any political subdivision of this state.

Sec. 117. NRS 616.2233 is hereby amended to read as follows:

616.2233 The system shall cooperate with the commissioner in the performance of his duties pursuant to this chapter, and shall provide the commissioner with any information, statistics or data in its records which pertain to any employer who is making application to become self-insured [,] or who is self-insured [.] *, or who is becoming or who is a member of an association of self-insured public or private employers.*

Sec. 118. NRS 616.2235 is hereby amended to read as follows:

616.2235 1. Except as otherwise provided in subsection 2, each self-insured employer [and other employer covered under the provisions of NRS 616.255 and 616.256] shall compensate the system, the office of the Nevada attorney for injured workers or the hearings division of the department of administration, as appropriate, for all services which the system, the occupational safety and health review board, the Nevada attorney for injured workers, the hearing officers and the appeals officers provide to those employers if the rate is established by a regulation of the system. The cost of any service for which a rate is not established by regulation must be negotiated by the employer and the system, the Nevada attorney for injured workers or the division, as appropriate, before the employer is charged for the service.

2. All compensation must be on the basis of actual cost and not on a basis which includes any subsidy for the system, the office of the Nevada attorney for injured workers, the division or other employers.

Sec. 119. NRS 616.2235 is hereby amended to read as follows:

616.2235 1. Except as otherwise provided in subsection 2, each self-insured employer *and association of self-insured public or private employers* shall compensate the system, the office of the Nevada attorney for injured workers or the hearings division of the department of administration, as appropriate, for all services which the system, the occupational safety and health review board, the Nevada attorney for injured workers, the mediators and the appeals officers provide to those employers if the rate is established by a regulation of the system. The cost of any service for which a rate is not

established by regulation must be negotiated by the employer *or association* and the system, the Nevada attorney for injured workers or the division, as appropriate, before the employer *or association* is charged for the service.

2. All compensation must be on the basis of actual cost and not on a basis which includes any subsidy for the system, the office of the Nevada attorney for injured workers, the division or other employers.

Sec. 120. NRS 616.226 is hereby amended to read as follows:

616.226 1. Appeals officers, the administrator , [and] the manager [,] *and the manager's designee,* in conducting hearings or other proceedings pursuant to the provisions of this chapter or regulations adopted under this chapter may:

(a) Issue subpenas requiring the attendance of any witness or the production of books, accounts, papers, records and documents.

(b) Administer oaths.

(c) Certify to official acts.

(d) Call and examine under oath any witness or party to a claim.

(e) Maintain order.

(f) Rule upon all questions arising during the course of a hearing or proceeding.

(g) Permit discovery by deposition or interrogatories.

(h) Initiate and hold conferences for the settlement or simplification of issues.

(i) Dispose of procedural requests or similar matters.

(j) Generally regulate and guide the course of a pending hearing or proceeding.

2. Hearing officers , in conducting hearings or other proceedings pursuant to the provisions of this chapter or regulations adopted under this chapter , may:

(a) Issue subpenas requiring the attendance of any witness or the production of books, accounts, papers, records and documents that are relevant to the dispute for which the hearing or other proceeding [are] *is* being held.

(b) Maintain order.

(c) Permit discovery by deposition or interrogatories.

(d) Initiate and hold conferences for the settlement or simplification of issues.

(e) Dispose of procedural requests or similar matters.

(f) Generally regulate and guide the course of a pending hearing or proceeding.

[3. After a determination is made pursuant to a hearing or other proceeding, the insurer shall notify the injured employee, the employer and the physician or chiropractor who is treating the injured employee of the determination.]

Sec. 121. (Omitted in amendment.)

Sec. 122. NRS 616.228 is hereby amended to read as follows:

616.228 1. Any disciplinary action taken by a hearing officer or panel pursuant to NRS 616.425 is subject to the same procedural requirements

which apply to disciplinary actions taken by the commissioner or administrator, and the board or panel has the same powers and duties given to the commissioner or administrator in relation thereto.

2. A decision of the hearing officer or panel relating to the imposition of an administrative fine is a final decision in a contested case. Any party aggrieved by a decision of the officer or panel to withdraw the certification of a self-insured employer *or an association of self-insured public or private employers* may appeal that decision to the commissioner.

Sec. 123. NRS 616.230 is hereby amended to read as follows:

616.230 If any person [disobeys] *:*

1. Disobeys an order of an appeals officer, a hearing officer, the administrator , [or] the manager [,] *or the manager's designee,* or a subpena issued by the manager, *manager's designee,* administrator, appeals officer, hearing officer, inspector or examiner [, or refuses] *;*

2. Refuses to permit an inspection [, or as] *; or*

3. As a witness, refuses to testify to any matter for which he may be lawfully interrogated,

the district judge of the county in which the person resides, on application of the appeals officer, *the* hearing officer, the administrator , [or] the manager [,] *or the manager's designee,* shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of the requirements of subpenas issued from the court on a refusal to testify therein.

Sec. 124. NRS 616.235 is hereby amended to read as follows:

616.235 1. Each officer who serves a subpena is entitled to receive the same fees as a sheriff.

2. Each witness who appears, in obedience to a subpena which has been issued pursuant to this chapter, before an appeals officer, a hearing officer, the administrator , [or] the manager *or the manager's designee,* is entitled to receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record.

3. The appeals officer, hearing officer, administrator [or] , manager *or manager's designee* shall:

(a) Authorize payment from his administrative budget of the fees and mileage due to such a witness; or

(b) Impose those costs upon the party at whose instance the witness was subpenaed or, for good cause shown, upon any other party.

Sec. 125. (Omitted in amendment.)

Sec. 126. NRS 616.245 is hereby amended to read as follows:

616.245 1. A transcribed copy of the evidence and proceedings, or any specific part thereof, of any final hearing or investigation, made by a stenographer appointed by an appeals officer, a hearing officer, the administrator , [or] the manager [,] *or the manager's designee,* being certified by that stenographer to be a true and correct transcript of the testimony in the final hearing or investigation, or of a particular witness, or of a specific part thereof, and carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had on the final hearing or

investigation so purporting to be taken and transcribed, may be received in evidence with the same effect as if the stenographer had been present and testified to the facts so certified.

2. A copy of the transcript must be furnished on demand to any party upon the payment of the fee required for transcripts in courts of record.

Secs. 127. (Omitted in amendment.)

Sec. 128. NRS 616.275 is hereby amended to read as follows:

616.275 Where the state, county, municipal corporation, school district, a metropolitan police department, a city under special charter and commission form of government, or a contractor under such governmental entities, is the employer, the provisions of this chapter for the payment of compensation and the amount thereof, and, unless the employer is self-insured [,] *or a member of an association of self-insured public employers,* for the payment of premiums to the state insurance fund and the accident benefit fund, for any injury sustained by an employee are conclusive, compulsory and obligatory upon both employer and employee without regard to the number of persons in the service of any such employer.

Sec. 129. NRS 616.282 is hereby amended to read as follows:

616.282 1. The manager shall notify the state contractors' board within 10 days after the system becomes aware that a contractor's coverage has lapsed.

2. The commissioner shall notify the state contractors' board within 10 days after a contractor's certificate of qualification as a self-insured employer is canceled or withdrawn [.] *or he is no longer a member of an association of self-insured public or private employers.*

Sec. 130. NRS 616.299 is hereby amended to read as follows:

616.299 1. An [employer who is certified as a self-insured employer pursuant to the provisions of NRS 616.293] *insurer* may enter into a contract to have his plan of [self-insurance] *insurance* administered by a third-party administrator.

2. [A self-insured employer] *An insurer* shall not enter into a contract with any person for the administration of any part of the [employer's plan of self-insurance] *plan of insurance* unless that person maintains an office in this state and has a valid certificate issued by the commissioner pursuant to NRS 683A.085. *The system may, as a part of a contract entered into with an organization for managed care pursuant to section 74 of this act, require the organization to act as its third-party administrator.*

Sec. 131. NRS 616.301 is hereby amended to read as follows:

616.301 1. A person shall not act as a third-party administrator for [a self-insured employer's plan of self-insurance] *an insurer* without a certificate issued by the commissioner pursuant to NRS 683A.085.

2. A person who acts as a third-party administrator [for a self-insured employer's plan of self-insurance] pursuant to this chapter shall:

(a) Administer from one or more offices located in this state all of the claims arising under each plan of [self-insurance] *insurance* that he administers and maintain in those offices all of the records concerning those claims;

(b) Administer each plan of [self-insurance] *insurance* directly, without subcontracting with another third-party administrator; and

(c) Upon the termination of his contract with [a self-insured employer,] *an insurer,* transfer forthwith to a certified third-party administrator chosen by the [employer] *insurer* all of the records in his possession concerning claims arising under the plan of [self-insurance.] *insurance.*

3. The commissioner may, under exceptional circumstances, waive the requirements of subsection 2.

Sec. 132. NRS 616.303 is hereby amended to read as follows:

616.303 The commissioner shall impose an administrative fine, not to exceed $1,000 for each violation, and may withdraw the certification of any third-party administrator who:

1. Fails to comply with regulations of the commissioner regarding reports or other requirements necessary to carry out the purposes of this chapter; or

2. Violates any provision of NRS 616.301 or any regulation adopted by the commissioner or the administrator concerning the administration of the [employer's plan of self-insurance.] *plan of insurance.*

Sec. 133. NRS 616.305 is hereby amended to read as follows:

616.305 1. Where the employer, as provided by this chapter, has given notice of an election to accept the terms of this chapter, and the employee has not given notice of an election to reject the terms of this chapter, the employer shall provide and secure, and the employee shall accept, compensation in the manner provided by this chapter for all personal injuries sustained arising out of and in the course of the employment.

2. Every employer electing to be governed by the provisions of this chapter, before becoming entitled to the benefits of this chapter , must comply with all conditions and provisions of this chapter during the period of his election.

3. Failure on the part of any employer to pay all the premiums , [or] to maintain a certificate of self-insurance in force *or to maintain membership in an association of self-insured public or private employers* as required by the provisions of this chapter operates as a rejection of the terms of this chapter. In the event of any rejection of this chapter, or the terms hereof, [such] *the* rejecting employer shall post a notice of rejection of the terms of the chapter upon his premises in a conspicuous place. The employer at all times shall maintain the notice or notices so provided for the information of his employees.

Sec. 134. NRS 616.315 is hereby amended to read as follows:

616.315 1. An employer in this state having in his employment any employee excluded from the benefits of this chapter under NRS 616.060 may elect to cover such employees under the provisions of this chapter in the manner provided in this section.

2. The election on the part of the employer must be made by filing with the system, or with the administrator if he is a self-insured employer [,] *or a member of an association of self-insured public or private employers,* a written statement that he accepts the provisions of this chapter which, when

filed, operates to subject him to the provisions of this chapter until the employer files in the office of the system, or of the administrator if he is a self-insured employer [,] *or a member of an association of self-insured public or private employers,* a notice in writing that he withdraws his election.

3. An employee in the service of any such employer shall be deemed to have accepted, and is subject to, the provisions of this chapter if, at the time of the accident for which compensation is claimed:

(a) The employer charged with liability is subject to the provisions of this chapter, whether *or not* the employee has actual notice thereof *;* [or not;] and

(b) The employee has not given to his employer and to the system notice in writing that he elects to reject the provisions of this chapter.

4. An employee who has rejected the provisions of this chapter may at any time thereafter elect to waive the rejection by giving notice in writing to his employer and to the system which becomes effective when filed with the system.

Sec. 135. NRS 616.325 is hereby amended to read as follows:

616.325 1. Except as *otherwise* provided in subsection 2, every employer shall furnish the system or the administrator, upon request, all information required to carry out the purposes of this chapter. The administrator, or any person employed by the administrator for that purpose, may examine, under oath, any employer or officer, agent or employee thereof.

2. Every self-insured employer *or association of self-insured public or private employers* shall furnish the system or the administrator, upon request, all information required to carry out the purposes of this chapter. The administrator or any person employed by him for that purpose, may examine, under oath, any employer or officer, agent or employee thereof.

3. Every insured employer shall keep on hand constantly a sufficient supply of blank forms furnished by the insurer.

Sec. 136. NRS 616.330 is hereby amended to read as follows:

616.330 1. Every employer receiving from the system or administrator any blank form with directions to fill it out shall:

(a) Cause it to be filled out properly.

(b) Answer fully and correctly all questions therein propounded, and if unable to do so, shall give good and sufficient reasons for his failure. Answers to questions must be verified and returned to the system or administrator within 6 working days.

2. [The administrator shall impose an administrative fine if] *If* an employer fails to comply with the provisions of subsection 1 [. The administrator may] *, the administrator shall* impose a fine of not more than $1,000 for each failure to comply.

Sec. 137. NRS 616.337 is hereby amended to read as follows:

616.337 All self-insured employers *and associations of self-insured public or private employers* shall report to the administrator, annually or at intervals which the administrator requires, all accidental injuries, occupa-

tional diseases, dispositions of claims, reserves and payments made under this chapter, chapter 617 of NRS or regulations adopted by the department pursuant thereto.

Sec. 138. NRS 616.340 is hereby amended to read as follows:

616.340 1. Every employer within the provisions of this chapter shall, immediately upon the occurrence of an injury to any of his employees, render to the injured employee all necessary first aid, including the cost of transportation of the injured employee to the nearest place of proper treatment if the injury is such as to make it reasonably necessary for such transportation.

2. [Each such employer who is not self-insured or his agent shall notify the insurer's claims administrator in writing of the accident. The notification of the accident must be postmarked within 6 working days after receipt of knowledge of the accident and, if the injured employee is expected to be off work for 5 days or more, must include a statement of the wages of the injured employee. An employee of the system shall not complete any form concerning the accident for an employer unless the employer:

(a) Is not in business;

(b) Has not been located by the insurer within 5 working days after receipt of the notification of the accident; or

(c) Refuses to complete the forms.

3. Each employer who files a report of an injury with the insurer shall file a full report of every known injury to the employee arising out of and in the course of his employment and resulting in his loss of life or injury. The report must be:

(a) Signed by the employer or his designee; and

(b) Furnished to the insurer in the form prescribed and contain specific answers to all questions required by the regulations of the department.

4.] An employer who is not self-insured is entitled to receive reimbursement from his insurer for the costs incurred in rendering the necessary first aid and transportation of an injured employee to the nearest place of proper treatment.

Sec. 139. NRS 616.340 is hereby amended to read as follows:

616.340 1. Every employer within the provisions of this chapter shall, immediately upon the occurrence of an injury to any of his employees, render to the injured employee all necessary first aid, including the cost of transportation of the injured employee to the nearest place of proper treatment if the injury is such as to make it reasonably necessary for such transportation.

2. An employer who is not self-insured *or a member of an association of self-insured public or private employers* is entitled to receive reimbursement from his insurer for the costs incurred in rendering the necessary first aid and transportation of an injured employee to the nearest place of proper treatment.

Sec. 140. NRS 616.342 is hereby amended to read as follows:

616.342 1. The administrator shall establish a panel of physicians and chiropractors who have demonstrated special competence and interest in

industrial health to treat injured employees under this chapter. Every employer *whose insurer has not entered into a contract with an organization for managed care pursuant to section 74 of this act* shall maintain a list of those physicians and chiropractors on the panel who are reasonably accessible to his employees.

2. An injured employee *whose insurer has not entered into a contract with an organization for managed care* may choose his treating physician or chiropractor from the panel of physicians and chiropractors. If the injured employee is not satisfied with the first physician or chiropractor he so chooses, he may make an alternative choice of physician or chiropractor from the panel if the choice is made within 90 days after his injury. The insurer shall notify the first physician or chiropractor in writing. The notice must be postmarked within 3 working days after the insurer receives knowledge of the change. The first physician or chiropractor must be reimbursed only for the services he rendered to the injured employee up to and including the date of notification. Any further change is subject to the approval of the insurer, which must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If no action is taken on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractor must include the name of the new physician or chiropractor chosen by the injured employee.

3. *An injured employee whose insurer has entered into a contract with an organization for managed care must choose his treating physician or chiropractor pursuant to the terms of that contract.*

4. Except when emergency medical care is required and except as *otherwise* provided in NRS 616.502, the insurer is not responsible for any charges for medical treatment or other accident benefits furnished or ordered by any physician, chiropractor or other person selected by the employee in disregard of the provisions of this section or for any compensation for any aggravation of the employee's injury attributable to improper treatments by such physician, chiropractor or other person.

[4.] *5.* The administrator may order necessary changes in a panel of physicians and chiropractors and shall suspend or remove any physician or chiropractor from a panel for good cause shown.

[5.] *6.* An injured employee may receive treatment by more than one physician or chiropractor if the insurer provides written authorization for such treatment.

Sec. 141. NRS 616.344 is hereby amended to read as follows:

616.344 [1. Except as otherwise provided in subsection 2, an] *An* insurer may contract with suppliers to provide services and goods to injured employees. Such contracts may provide for the exclusive provision of specified services or goods to injured employees.

[2. An insurer shall not enter into any exclusive agreement or contract pursuant to subsection 1:

(a) With any physician or chiropractor to provide primary care for an injured employee;

(b) With any hospital for general care for patients acutely ill;

(c) With any one particular physical therapist or group of physical therapists to provide care for injured employees but may enter into sufficient numbers of agreements with physical therapists or groups of physical therapists throughout the state to ensure that injured employees receive prompt professional care;

(d) Which would restrict the ability of an injured employee to choose a treating physician or chiropractor pursuant to NRS 616.342; or

(e) Which would restrict the ability of an injured employee to choose a pharmacy to fill prescriptions for pharmaceuticals if the pharmacy does not charge more than the lowest price contracted for by an insurer with any other supplier of pharmaceuticals.]

Sec. 142. NRS 616.354 is hereby amended to read as follows:

616.354 1. A provider of health care who accepts a patient as a referral for the treatment of an industrial injury or an occupational disease may not charge the patient for any treatment related to the industrial injury or occupational disease, but must charge the insurer. The provider of health care may charge the patient for any other unrelated services which are requested in writing by the patient.

2. The insurer is liable for [all] *the* charges for approved services if the charges do not exceed:

(a) The fees established in accordance with NRS 616.412 or the usual fee charged by that person or institution, whichever is less; and

(b) The charges provided for by the contract between the provider of health care and the insurer [.] *or the contract between the provider of health care and the organization for managed care.*

3. If a provider of health care [or] *, an organization for managed care,* an insurer *or an employer* violates the provisions of this section, the administrator shall impose an administrative fine [not to exceed] *of not more than* $250 for each violation.

Sec. 143. NRS 616.355 is hereby amended to read as follows:

616.355 1. Any physician or chiropractor who attends an employee within the provisions of this chapter or chapter 617 of NRS in a professional capacity, may be required to testify before an appeals officer. A physician or chiropractor who testifies is entitled to receive the same fees as witnesses in civil cases and, if the appeals officer so orders at his own discretion, a fee equal to that authorized for a consultation by the appropriate schedule of fees for physicians or chiropractors. These fees must be paid by the system , [or] the self-insured employer [.] *or the association of self-insured public or private employers.*

2. Information gained by the attending physician or chiropractor while in attendance on the injured employee is not a privileged communication if required by an appeals officer for a proper understanding of the case and a determination of the rights involved.

Sec. 144. NRS 616.365 is hereby amended to read as follows:

616.365 If [the accident and injury are not reported by the employee or his physician or chiropractor forthwith, as described in this chapter or if the injured employee or those in charge of him (the injured employee being a

party to the refusal) refuse] *an employee is properly directed to submit to a physical examination and the employee refuses* to permit the treating physician or chiropractor to make an examination and to render medical attention as may be required immediately, no compensation may be paid for the injury claimed to result from the accident . [; but the insurer may relieve the injured person or his dependents from loss or forfeiture of compensation if he finds that:

1. The circumstances attending the failure on the part of the employee, or of his physician or chiropractor, to report the accident and injury are such as to have excused the employee and his physician or chiropractor for the failure so to report; and

2. Relieving the employee or his dependents from the consequences of the failure to report will not result in an unwarrantable charge against the insurer.]

Sec. 145. NRS 616.377 is hereby amended to read as follows:

616.377 1. [If an employee who has been hired or who is regularly employed in this state suffers an accident or injury arising out of and in the course of his employment, and his employer has failed to provide mandatory industrial insurance coverage, the] *An* employee may [elect to] receive compensation from the uninsured employers' claim fund [by:

(a) Filing a] *if:*

(a) He was hired in this state or he is regularly employed in this state;

(b) He suffers an accident or injury in this state which arises out of and in the course of his employment;

(c) He files a claim for compensation with the system [;

(b) Filing a] *pursuant to section 12 of this act;*

(d) He files written notice [of his election] with the division; and

[(c) Making]

(e) He makes an irrevocable assignment to the division of [his right of action against the uninsured employer.] *a right to be subrogated to the rights of the injured employee pursuant to NRS 616.560.*

2. If the system receives a claim pursuant to subsection 1, the system shall immediately:

(a) Notify the employer of the claim; and

(b) Deliver to the division any evidence regarding the claim and any evidence indicating that the employer was uninsured.

3. For the purposes of this section, the employer has the burden of proving that he provided mandatory industrial insurance coverage for the employee [.] *or that he was not required to maintain industrial insurance for the employee.*

4. Any employer who has failed to provide mandatory coverage required by the provisions of this chapter is liable for all payments made on his behalf, including any benefits, administrative costs or attorney's fees paid from the uninsured employers' claim fund or incurred by the division or department.

5. The division:

(a) May recover from the employer the payments *made by the division or department that are* described in subsection 4 and any accrued interest by bringing a civil action in district court.

(b) In any civil action brought against the employer, is not required to prove that negligent conduct by the employer was the cause of the employee's injury.

(c) May enter into a contract with any person to assist in the collection of any liability of an uninsured employer.

(d) In lieu of a civil action, may enter into an agreement or settlement regarding the collection of any liability of an uninsured employer.

6. The division shall [determine] *:*

(a) Determine whether the employer was insured within 30 days after receiving notice of the claim from the employee. [Upon determining that a claim is valid, the division shall assign]

(b) Assign the claim to the system for administration of the claim, payment of benefits and reimbursement of costs of administration and benefits paid to the system.

Upon determining that a claim is invalid, the [division] *system* shall notify the claimant, the named employer and the [system] *division* that the claim will not be assigned for benefits from the uninsured employers' claim fund.

7. Any party aggrieved by a decision regarding the administration of an assigned claim or a decision made by the division or by the system regarding any claim made pursuant to this section may appeal that decision within 60 days after the decision is rendered to the hearings division of the department of administration in the manner provided by NRS 616.5412 to 616.544, inclusive [.] *, and section 79 of this act.*

8. All insurers shall bear a proportionate amount of a claim made pursuant to this chapter, and are entitled to a proportionate amount of any collection made pursuant to this section as an offset against future liabilities.

9. An uninsured employer is liable for the interest on any amount paid on his claims from the uninsured employers' claim fund. The interest must be calculated at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the commissioner of financial institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the claim, plus 3 percent, compounded monthly, from the date the claim is paid from the fund until payment is received by the division from the employer.

10. Attorney's fees recoverable by the division pursuant to this section must be:

(a) If a private attorney is retained by the department, paid at the usual and customary rate for that attorney.

(b) If the attorney is an employee of the department, paid at the rate established by regulations adopted by the department.

Any money collected must be deposited to the uninsured employers' claim fund.

11. In addition to any other liabilities provided for in this section, the administrator may impose an administrative fine of not more than $10,000 against an employer if the employer fails to provide mandatory coverage required by the provisions of this chapter.

Sec. 146. NRS 616.380 is hereby amended to read as follows:

616.380 1. In addition to the authority given the manager to determine and fix premium rates of employers as provided in NRS 616.395 to 616.405, inclusive, the manager:

(a) Shall apply that form of rating system which, in his judgment, is best calculated to rate each individual risk more equitably, predicated upon the basis of the employer's individual experience;

(b) Shall adopt equitable regulations controlling the rating of each risk, which regulations, however, must conserve to each risk the basic principles of industrial insurance; and

(c) May subscribe to a rating service of any rating organization for casualty, fidelity and surety insurance rating.

2. The rating system or any rating by a rating organization pursuant to this section is subject to the limitation that the amount of any increase or reduction of premium rate, additional charge of premiums or payment of dividends must be in the discretion of the manager.

3. The rating system provided by this section is subject to the following further limitations:

(a) All studies conducted by the manager to determine the adequacy of rate levels and the equity of rates among classifications must be conducted in the presence of an actuary designated by the commissioner.

(b) The manager shall file revised premium rates, revised classifications of employment and changes of the multiplier applied generally to classes of risk with the commissioner and give written public notice to the employers affected by the changes at least:

(1) Sixty days before the effective date of any projected change in premiums or projected change of multiplier; and

(2) Thirty days before the effective date of any change decided upon.

The commissioner shall review the revised rates and classifications and advise the manager of the changes which are not consistent with NRS 686B.050 and 686B.060.

(c) Any employer affected by a change in a *revised*premium rate *or a revised classification of employment* may request the commissioner to hold a hearing before the effective date of the change. At the hearing, the commissioner shall consider the objections raised by any party appearing at the hearing. *An employer may not appeal a decision of the commissioner concerning a revised premium rate or a revised classification of employment to the manager.*

(d) Premium rates [may] *must* not be fixed at a level higher than that required to:

(1) Pay the obligations created by this chapter and associated administrative expenses.

(2) Provide for a reasonable reserve for claims.

(3) Provide for contingencies such as a catastrophe, economic change, change in judicial interpretations of the law, legislative amendments of the law, deficiencies in the reserve and other events which cannot be predicted accurately and could endanger the solvency of the fund.

The commissioner may order the manager to make any adjustments necessary to meet the requirements of this paragraph.

4. In determining and fixing premium rates, the manager may establish a varying schedule of rates for workers who are in the classification of employment designated as construction which reflects the varying hourly rates of wages paid to such workers.

5. Subsections 2 and 3 do not apply to *a* rating [plans] *plan* made by voluntary agreement between the manager and *an* employer which increases or reduces premiums for the employer. The voluntary rating [plans] *plan* may be retrospective in nature. A voluntary rating plan must be in writing and signed by the manager and the employer.

6. The manager shall adopt by regulation a plan for reviewing employers insured by the system who have excessive losses, as defined by the plan, in order to encourage those employers to pay for their losses and correct their loss experience. The plan may include requirements for:

(a) The payment of surcharges by such an employer;

(b) Mandatory retrospective rating plans;

(c) An increase in the amount of the deductible required to be paid by such an employer pursuant to subsection 1 of section 73 of this act;

(d) Changes in the limitations placed on the experience modification plan for such an employer; or

(e) Any combination of paragraphs (a), (b), (c) and (d).

The plan must include procedures for the termination of an employer's participation in the plan when the employer has corrected his excessive loss experience. The commissioner shall review the plan adopted pursuant to this subsection.

Sec. 147. NRS 616.390 is hereby amended to read as follows:

616.390 Except for self-insured employers [,] *and employers who are members of an association of self-insured public or private employers,* all employers becoming contributors to the state insurance fund or the accident benefit fund, pursuant to the provisions of NRS 616.315, must be placed in a separate class, the premium rates of which must be sufficient to provide an adequate fund for the payment of the proportionate administrative expense and compensation on account of injuries and death of employees of this class.

Sec. 148. NRS 616.392 is hereby amended to read as follows:

616.392 1. [Any party] *Except as otherwise provided in subsection 2:*

(a) A principal contractor or an owner of property acting as a principal contractor aggrieved by a letter issued pursuant to NRS 616.288 [or] *;*

(b) An employer aggrieved by a written decision of an employee of the system *on a matter* relating to [employers' accounts, including but not limited to matters concerning audits and the classification of risks,] *the employer's account; or*

(c) An employer aggrieved by a determination made pursuant to section 22 of this act,

may appeal from the letter , [or] decision *or determination* by filing a notice of appeal with the manager *or his designee* within 30 days after the date of the letter [or decision.] , *decision or determination.*

2. *An employer shall not seek to remove costs that have been charged to his account by appealing to the manager or his designee any issue that relates to a claim for compensation if the issue was raised or could have been raised, before a hearing officer or an appeals officer pursuant to NRS 616.5412 or 616.5422.*

3. The decision of the manager *or his designee* is the final and binding administrative determination of an appeal [relating to the issuance of final certificates or employers' accounts under this chapter,] *filed pursuant to this section,* and the whole record consists of all evidence taken at the hearing before the manager *or his designee* and any findings of fact and conclusions of law based thereon.

4. As used in this section, matters relating to an employer's account:

(a) Include, but are not limited to, an audit of the employer's account and a determination of the appropriate classification of risk for an employer's business.

(b) Do not include a revision of premium rates or classifications of employment pursuant to NRS 616.380.

Sec. 149. NRS 616.395 is hereby amended to read as follows:

616.395 1. Except for a self-insured employer [,] *or an employer who is a member of an association of self-insured public or private employers,* every employer within, and those electing to be governed by, the provisions of this chapter, with the exception of the state, counties, municipal corporations, cities and school districts, shall provide the system with a bond executed by the employer as principal, and by a corporation qualified under the laws of this state as surety, payable to the State of Nevada and conditioned upon the proper payment of premiums. All premium rates in effect on July 1, 1947, must be continued in full force until changed as provided by law.

2. Every employer within or electing to be governed by the provisions of this chapter who enters into business or resumes operations shall, before commencing or resuming operations, notify the manager of that fact, accompanying the notification with an estimate of his monthly payroll, and pay the premium on the payroll for the first 2 months of operations.

3. The amount of the bond required by this section must be determined by the manager in such a manner as he deems proper.

4. In lieu of a bond the employer may deposit with the system, under such terms as the manager may prescribe, a like amount of lawful money of the United States or any other form of security authorized by NRS 100.065. If security is provided in the form of a savings certificate, certificate of deposit or investment certificate, the required amount must be rounded up to

the next larger integral multiple of $100, and the certificate must state that the amount is unavailable for withdrawal except by direct and sole order of the manager.

5. All money received by the system pursuant to this section must be deposited with the state treasurer to the credit of the state insurance fund.

Sec. 150. NRS 616.400 is hereby amended to read as follows:

616.400 1. Except for a self-insured employer, every employer within, and those electing to be governed by, the provisions of this chapter, shall, on or before the 25th day of the month immediately after the end of the assigned reporting period furnish the system with a true and accurate payroll for that period showing:

(a) The total amount paid to employees for services performed;

(b) The amount of tips reported to him by every employee pursuant to 26 U.S.C. § 6053(a), whose tips in cash totaled $20 or more; and

(c) A segregation of employment in accordance with the requirements of the system,

together with the premium due thereon.

2. In determining the total amount paid to employees by each employer for services performed during a calendar year, the maximum amount paid by each employer to any one employee during the calendar year shall be deemed to be:

(a) For the period beginning October 1, 1992, and ending December 31, 1992, the first $27,000 paid to the employee during the calendar year of 1992.

(b) For the period beginning January 1, 1993, and ending December 31, 1993, the first $27,000 paid to the employee.

(c) For the period beginning January 1, 1994, and ending December 31, 1994, the first $30,000 paid to the employee.

(d) For the period beginning January 1, 1995, and ending December 31, 1995, the first $33,000 paid to the employee.

3. Any employer by agreement in writing with the manager may arrange for the payment of premiums in advance for a period of more than 60 days.

4. Failure of any employer to comply with the provisions of this section and NRS 616.395 operates as a rejection of this chapter, effective at the expiration of the period covered by his estimate. The manager shall notify the administrator of each such rejection.

5. If an audit of the accounts or actual payroll of an employer shows that the actual premium earned exceeds the estimated premium paid in advance, the manager may require the payment of money sufficient to cover the deficit, together with such amount as in his judgment constitutes an adequate advance premium for the period covered by the estimate.

6. The manager shall notify any employer or his representative by first-class mail of any failure on his part to comply with the provisions of this section. The notice or its omission does not modify or waive the requirements or effective rejection of this chapter as otherwise provided in this chapter.

7. The system may impose a penalty not to exceed 4 percent of the premiums which are due or $15, whichever is greater, for the failure of an employer to submit the information and premium required in subsection 1 within the time allowed, unless the employer has applied for and been granted an extension of that time by the manager.

8. To the extent permitted by federal law, the system shall vigorously pursue the collection of premiums that are due under the provisions of this chapter even if an employer's debts have been discharged in a bankruptcy proceeding.

Sec. 150.5. NRS 616.400 is hereby amended to read as follows:

616.400 1. Except for a self-insured employer [,] *or an employer who is a member of an association of self-insured public or private employers,* every employer within, and those electing to be governed by, the provisions of this chapter, shall, on or before the 25th day of the month immediately after the end of the assigned reporting period furnish the system with a true and accurate payroll for that period showing:

(a) The total amount paid to employees for services performed;

(b) The amount of tips reported to him by every employee pursuant to 26 U.S.C. § 6053(a), whose tips in cash totaled $20 or more; and

(c) A segregation of employment in accordance with the requirements of the system,

together with the premium due thereon.

2. In determining the total amount paid to employees by each employer for services performed during a calendar year, the maximum amount paid by each employer to any one employee during the calendar year shall be deemed to be:

(a) For the period beginning October 1, 1992, and ending December 31, 1992, the first $27,000 paid to the employee during the calendar year of 1992.

(b) For the period beginning January 1, 1993, and ending December 31, 1993, the first $27,000 paid to the employee.

(c) For the period beginning January 1, 1994, and ending December 31, 1994, the first $30,000 paid to the employee.

(d) For the period beginning January 1, 1995, and ending December 31, 1995, the first $33,000 paid to the employee.

3. Any employer by agreement in writing with the manager may arrange for the payment of premiums in advance for a period of more than 60 days.

4. Failure of any employer to comply with the provisions of this section and NRS 616.395 operates as a rejection of this chapter, effective at the expiration of the period covered by his estimate. The manager shall notify the administrator of each such rejection.

5. If an audit of the accounts or actual payroll of an employer shows that the actual premium earned exceeds the estimated premium paid in advance, the manager may require the payment of money sufficient to cover the deficit, together with such amount as in his judgment constitutes an adequate advance premium for the period covered by the estimate.

6. The manager shall notify any employer or his representative by first-class mail of any failure on his part to comply with the provisions of this section. The notice or its omission does not modify or waive the requirements or effective rejection of this chapter as otherwise provided in this chapter.

7. The system may impose a penalty not to exceed 4 percent of the premiums which are due or $15, whichever is greater, for the failure of an employer to submit the information and premium required in subsection 1 within the time allowed, unless the employer has applied for and been granted an extension of that time by the manager.

8. To the extent permitted by federal law, the system shall vigorously pursue the collection of premiums that are due under the provisions of this chapter even if an employer's debts have been discharged in a bankruptcy proceeding.

Sec. 151. NRS 616.401 is hereby amended to read as follows:

616.401 1. An employer shall:

(a) Make a copy of each report that an employee files with the employer pursuant to 26 U.S.C. § 6053(a) to report the amount of his tips to the United States Internal Revenue Service;

(b) Submit the copy to the system upon request and retain another copy for his records or , if the employer is self-insured [,] *or a member of an association of self-insured public or private employers,* retain the copy for his records; and

(c) If he is not self-insured [,] *or a member of an association of self-insured public or private employers,* pay the system the premiums for the reported tips at the same rate as he pays on regular wages.

2. The department shall adopt regulations specifying the form of the declaration required pursuant to subsection 1.

3. The system , [or the] self-insured employer *or association* shall calculate compensation for an employee on the basis of wages paid by the employer plus the amount of tips reported by the employee pursuant to 26 U.S.C. § 6053. Reports made after the date of injury may not be used for the calculation of compensation.

4. An employer shall notify his employees of the requirement to report income from tips for the purposes of calculating his federal income tax and for including the income in the computation of benefits pursuant to this chapter.

5. The administrator shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 152. NRS 616.405 is hereby amended to read as follows:

616.405 1. Except for a self-insured employer [,] *or an employer who is a member of an association of self-insured public employers,* as soon as possible after the expiration of each quarter year, every state office, department, board, commission, bureau, agency or institution, operating by authority of law, and the auditor or comptroller of each county, and the clerk of each municipal corporation, city, and school district, shall furnish the

manager with a true and accurate payroll of the state office, department, board, commission, bureau, agency or institution, and county, metropolitan police department, municipal corporation, city, or school district, showing:

(a) The aggregate number of shifts worked during the preceding quarter.

(b) The total amount paid to employees for services performed during the quarter.

(c) A segregation of employment in accordance with the requirements of the system.

2. Each of the state offices, departments, boards, commissions, bureaus, agencies and institutions shall submit claims for the amount of premiums due to the system . [; and each] *Each* of the auditors, comptrollers and clerks shall make up and submit to the respective governing boards of each county, metropolitan police department, municipal corporation, city, and school district, for approval, claims for the amount of premiums due the system.

Sec. 153. NRS 616.412 is hereby amended to read as follows:

616.412 1. All fees and charges for accident benefits [are subject to regulation by the department and] must not:

(a) Exceed the fees and charges usually paid in the state for similar treatment.

(b) Be unfairly discriminatory as between persons legally qualified to provide the particular service for which the fees or charges are asked.

2. The director shall, giving consideration to the fees and charges being paid in the state, establish a schedule of reasonable fees and charges allowable for accident benefits [.] *provided to injured employees whose insurers have not contracted with an organization for managed care pursuant to section 74 of this act.* The director shall review and revise the schedule on or before October 1 of each year . [and] *The director may increase or decrease the schedule, but* shall not increase the schedule by any factor greater than the corresponding annual increase in the Consumer Price Index (Medical Care Component) [.] *, unless the advisory council of the department approves such an increase.*

3. The director may request a health insurer, health maintenance organization or provider of accident benefits, an agent or employee of such a person, or an agency of the state, to provide the director with such information concerning fees and charges paid for similar services as he deems necessary to carry out the provisions of [subsections 1 and 2. The director shall not require any person to record or report his fees or charges in a manner inconsistent with the person's own system of records.] *subsection 2.* The director [may] *shall* require a person or entity providing records or reports of fees charged to provide interpretation and identification concerning the information delivered. The director may impose an administrative fine of $500 for each refusal to provide the information requested pursuant to this subsection.

4. The department may adopt reasonable regulations necessary to carry out the provisions of this section. The regulations must include provisions concerning:

(a) Standards for the development of the schedule of fees and charges;

(b) The periodic revision of the schedule; and

(c) The monitoring of compliance by providers of benefits with the adopted schedule of fees and charges.

5. The department shall adopt regulations requiring the utilization of a system of billing codes as recommended by the American Medical Association.

Sec. 154. NRS 616.420 is hereby amended to read as follows:

616.420 1. If the administrator finds that the employer is furnishing the requirements of accident benefits in such a manner that there are reasonable grounds for believing that the health, life or recovery of the employee is being endangered or impaired thereby, or that an employer has failed to provide benefits pursuant to NRS 616.415 for which he has made arrangements, the administrator may, upon application of the employee, or upon his own motion, order a change of physicians or chiropractors or of any other requirements of accident benefits.

2. If the administrator orders a change of physicians or chiropractors or of any other accident benefits, the cost of the change must be borne by the system , [or] the self-insured employer [.] *or the association of self-insured public or private employers.*

3. The cause of action of an insured employee against an employer insured by the system must be assigned to the system.

Sec. 155. (Omitted in amendment.)

Sec. 156. NRS 616.425 is hereby amended to read as follows:

616.425 1. Except as otherwise provided in subsection 3, all premiums, contributions, penalties, bonds, securities and all other properties received, collected or acquired by the system pursuant to the terms of this chapter:

(a) Must be credited on the records of the system to the state insurance fund.

(b) Constitute, for the purpose of custody thereof, the state insurance fund, which must be held by the manager as custodian thereof for the benefit of employees and their dependents within the provisions of this chapter. The manager is liable on his official bond for the faithful performance of his custodial duty.

2. The commissioner or the administrator may delegate to a hearing officer or panel his authority to take any disciplinary action pursuant to NRS 616.294, 616.2945 or 616.647, *or sections 25 to 51, inclusive, of this act,* impose and collect administrative fines pursuant to those sections and deposit the money in the fund for workers' compensation and safety.

3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the commissioner or the administrator deposits the money collected from the imposition of administrative fines with the state treasurer for credit to the state general fund, he may present a claim to the state board of examiners for recommendation to the interim finance committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 157. NRS 616.4261 is hereby amended to read as follows:

616.4261 1. There is hereby established as a trust fund in the state treasury the subsequent injury fund, which may be used only to make payments in accordance with the provisions of NRS 616.427 and NRS 616.428. The administrator shall administer the fund.

2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the administrator for the subsequent injury fund must be delivered to the custody of the state treasurer.

3. All money and securities in the fund must be held in trust by the state treasurer as custodian thereof to be used solely for workers' compensation.

4. The state treasurer may disburse money from the fund only upon written order of the state controller.

5. The state treasurer shall invest money of the fund in the same manner and in the same securities in which he is authorized to invest state general funds which are in his custody. Income realized from the investment of the assets of the fund must be credited to the fund.

6. The director must adopt regulations for the establishment and administration of assessment rates, payments and penalties. Assessment rates must reflect the relative hazard of the employments covered by [the insurers,] *self-insured employers,* and must be based upon expected annual expenditures for claims. *The system must not be required to pay any assessments, payments or penalties into the subsequent injury fund, or any costs associated with the fund.*

7. The commissioner shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the commissioner 30 days before their effective date. Any [insurer] *self-insured employer* who wishes to appeal the rate so filed must do so pursuant to NRS 679B.310.

Sec. 158. NRS 616.4261 is hereby amended to read as follows:

616.4261 1. There is hereby established as a trust fund in the state treasury the subsequent injury fund, which may be used only to make payments in accordance with the provisions of NRS 616.427 and NRS 616.428. The administrator shall administer the fund.

2. All assessments, penalties, bonds, securities and all other properties received, collected or acquired by the administrator for the subsequent injury fund must be delivered to the custody of the state treasurer.

3. All money and securities in the fund must be held in trust by the state treasurer as custodian thereof to be used solely for workers' compensation.

4. The state treasurer may disburse money from the fund only upon written order of the state controller.

5. The state treasurer shall invest money of the fund in the same manner and in the same securities in which he is authorized to invest state general funds which are in his custody. Income realized from the investment of the assets of the fund must be credited to the fund.

6. The director must adopt regulations for the establishment and administration of assessment rates, payments and penalties. Assessment rates must reflect the relative hazard of the employments covered by self-insured employers [,] *and associations of self-insured public or private employers,*

and must be based upon expected annual expenditures for claims. The system must not be required to pay any assessments, payments or penalties into the subsequent injury fund, or any costs associated with the fund.

7. The commissioner shall assign an actuary to review the establishment of assessment rates. The rates must be filed with the commissioner 30 days before their effective date. Any self-insured employer *or association of self-insured public or private employers* who wishes to appeal the rate so filed must do so pursuant to NRS 679B.310.

Sec. 159. NRS 616.427 is hereby amended to read as follows:

616.427 Except as otherwise provided in NRS 616.428:

1. If an employee [who] *of a self-insured employer* has a permanent physical impairment from any cause or origin *and* incurs a subsequent disability by injury arising out of and in the course of his employment which entitles him to compensation for disability that is substantially greater by reason of the combined effects of the preexisting impairment and the subsequent injury than that which would have resulted from the subsequent injury alone, the compensation due must be charged to the subsequent injury fund in accordance with regulations adopted by the administrator.

2. If the subsequent injury of such an employee results in his death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, the compensation due must be charged to the subsequent injury fund in accordance with regulations adopted by the administrator.

3. As used in this section, "permanent physical impairment" means any permanent condition, whether congenital or caused by injury or disease, of such seriousness as to constitute a hindrance or obstacle to obtaining employment or to obtaining reemployment if the employee is unemployed. For the purposes of this section, a condition is not a "permanent physical impairment" unless it would support a rating of permanent impairment of 6 percent or more of the whole man if evaluated according to the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the department. The department shall adopt regulations incorporating the American Medical Association's Guides to the Evaluation of Permanent Impairment by reference and may amend such regulations from time to time as it deems necessary. In adopting the Guides to the Evaluation of Permanent Impairment, the department shall consider the edition most recently published by the American Medical Association.

4. To qualify under this section for reimbursement from the subsequent injury fund, the [insurer] *self-insured employer* must establish by written records that the *self-insured* employer had knowledge of the "permanent physical impairment" at the time the employee was hired or that the employee was retained in employment after the *self-insured* employer acquired such knowledge.

5. [An insurer] *A self-insured employer* shall notify the administrator of any possible claim against the subsequent injury fund as soon as practicable, but not later than 100 weeks after the injury or death.

6. The administrator shall adopt regulations establishing procedures for submitting claims against the subsequent injury fund. The administrator shall notify the [insurer] *self-insured employer* of his decision on such a claim within 90 days after the claim is received.

7. An appeal of any decision made concerning a claim against the subsequent injury fund must be submitted directly to the appeals officer. The appeals officer shall hear such an appeal within 45 days after the appeal is submitted to him.

Sec. 160. NRS 616.427 is hereby amended to read as follows:

616.427 Except as otherwise provided in NRS 616.428:

1. If an employee of a self-insured employer *or of a member of an association of self-insured public or private employers* has a permanent physical impairment from any cause or origin and incurs a subsequent disability by injury arising out of and in the course of his employment which entitles him to compensation for disability that is substantially greater by reason of the combined effects of the preexisting impairment and the subsequent injury than that which would have resulted from the subsequent injury alone, the compensation due must be charged to the subsequent injury fund in accordance with regulations adopted by the administrator.

2. If the subsequent injury of such an employee results in his death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, the compensation due must be charged to the subsequent injury fund in accordance with regulations adopted by the administrator.

3. As used in this section, "permanent physical impairment" means any permanent condition, whether congenital or caused by injury or disease, of such seriousness as to constitute a hindrance or obstacle to obtaining employment or to obtaining reemployment if the employee is unemployed. For the purposes of this section, a condition is not a "permanent physical impairment" unless it would support a rating of permanent impairment of 6 percent or more of the whole man if evaluated according to the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the department. The department shall adopt regulations incorporating the American Medical Association's Guides to the Evaluation of Permanent Impairment by reference and may amend such regulations from time to time as it deems necessary. In adopting the Guides to the Evaluation of Permanent Impairment, the department shall consider the edition most recently published by the American Medical Association.

4. To qualify under this section for reimbursement from the subsequent injury fund, the self-insured employer *or association of self-insured public or private employers* must establish by written records that the [self-insured] employer had knowledge of the "permanent physical impairment" at the time the employee was hired or that the employee was retained in employment after the [self-insured] employer acquired such knowledge.

5. A self-insured employer *or association of self-insured public or private employers* shall notify the administrator of any possible claim against the subsequent injury fund as soon as practicable, but not later than 100 weeks after the injury or death.

6. The administrator shall adopt regulations establishing procedures for submitting claims against the subsequent injury fund. The administrator shall notify the self-insured employer *or association of self-insured public or private employers* of his decision on such a claim within 90 days after the claim is received.

7. An appeal of any decision made concerning a claim against the subsequent injury fund must be submitted directly to the appeals officer. The appeals officer shall hear such an appeal within 45 days after the appeal is submitted to him.

Sec. 161. NRS 616.428 is hereby amended to read as follows:

616.428 1. [An insurer] *A self-insured employer* who pays compensation due to an employee who has a permanent physical impairment from any cause or origin and incurs a subsequent disability by injury arising out of and in the course of his employment which entitles him to compensation for disability that is substantially greater by reason of the combined effects of the preexisting impairment and the subsequent injury than that which would have resulted from the subsequent injury alone is entitled to be reimbursed from the subsequent injury fund if:

(a) The employee knowingly [or willfully] made a false representation as to his physical condition at the time he was hired by the *self-insured* employer;

(b) The *self-insured* employer relied upon the false representation and this reliance formed a substantial basis of the employment; and

(c) A causal connection existed between the false representation and the subsequent disability.

If the subsequent injury of the employee results in his death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, any compensation paid is entitled to be reimbursed from the subsequent injury fund.

2. [An insurer] *A self-insured employer* shall notify the administrator of any possible claim against the subsequent injury fund pursuant to this section no later than 60 days after the date of the subsequent injury or the date the [insurer] *self-insured employer* learns of the employee's false representation, whichever is later.

Sec. 162. NRS 616.428 is hereby amended to read as follows:

616.428 1. A self-insured employer *or association of self-insured public or private employers* who pays compensation due to an employee who has a permanent physical impairment from any cause or origin and incurs a subsequent disability by injury arising out of and in the course of his employment which entitles him to compensation for disability that is substantially greater by reason of the combined effects of the preexisting

impairment and the subsequent injury than that which would have resulted from the subsequent injury alone is entitled to be reimbursed from the subsequent injury fund if:

(a) The employee knowingly made a false representation as to his physical condition at the time he was hired by the self-insured employer [;] *or member of an association of self-insured public or private employers;*

(b) The [self-insured] employer relied upon the false representation and this reliance formed a substantial basis of the employment; and

(c) A causal connection existed between the false representation and the subsequent disability.

If the subsequent injury of the employee results in his death and it is determined that the death would not have occurred except for the preexisting permanent physical impairment, any compensation paid is entitled to be reimbursed from the subsequent injury fund.

2. A self-insured employer *or association of self-insured public or private employers* shall notify the administrator of any possible claim against the subsequent injury fund pursuant to this section no later than 60 days after the date of the subsequent injury or the date the [self-insured] employer learns of the employee's false representation, whichever is later.

Sec. 163. NRS 616.490 is hereby amended to read as follows:

616.490 1. If the provisions of this chapter relative to compensation for injuries to or death of employees become invalid because of any adjudication, or are repealed, the period intervening between the occurrence of an injury or death, not previously compensated for under this chapter by lump sum payment or completed monthly payments, and [such] *the* repeal or the rendition of the final adjudication of the validity [shall] *must* not be computed as a part of the time limited by law for the commencement of any action relating to [such] *the* injury or death if the action is commenced within 1 year after [such] *the* repeal or adjudication.

2. In any such action , any sum paid out of the state insurance fund or by a self-insured employer *or an association of self-insured public or private employers* by reason of injury to an employee by whom, or by whose dependents, the action is prosecuted, [shall] *must* be taken into account and credited upon the recovery as payment.

Sec. 164. NRS 616.497 is hereby amended to read as follows:

616.497 1. Notwithstanding the provisions of chapter 355 of NRS or of any other law, the manager may, [pursuant to a resolution of the board,] *with the approval of the governor,* invest and reinvest any money in the funds of the system deemed available for investment as provided in NRS 616.4971 to 616.4984, inclusive, and may employ investment counsel for that purpose.

2. The provisions of NRS 616.497 to 616.4984, inclusive, do not prevent the manager from making investments in accordance with the provisions of chapter 355 of NRS.

Sec. 164.5. NRS 616.497 is hereby amended to read as follows:

616.497 1. Notwithstanding the provisions of chapter 355 of NRS or of any other law, the manager may [, with the approval of the governor,] invest

and reinvest any money in the funds of the system deemed available for investment as provided in NRS 616.4971 to 616.4984, inclusive, and may employ investment counsel for that purpose.

2. The provisions of NRS 616.497 to 616.4984, inclusive, do not prevent the manager from making investments in accordance with the provisions of chapter 355 of NRS.

Sec. 165. NRS 616.4971 is hereby amended to read as follows:

616.4971 1. No person engaged in business as a broker or dealer in securities or who has a direct pecuniary interest in any such business who receives commissions for transactions performed as an agent for the system is eligible for employment as investment counsel for the system.

2. The [board] *governor* shall not engage investment counsel unless:

(a) The principal business of the person selected by the [board] *governor* consists of rendering investment supervisory services, that is, the giving of continuous advice as to the investment of money on the basis of the individual needs of each client;

(b) The person and his predecessors have been continuously engaged in such business for a period of 3 or more years, and, if a firm or corporation, the senior management personnel of the firm or corporation have an average of 10 years professional experience as investment managers;

(c) The person as of the time originally hired, has at least $250,000,000 of assets under management contract, exclusive of any assets related to governmental agencies in this state;

(d) The person is registered as an investment adviser under the laws of the United States as from time to time in effect, or is a bank or an investment management subsidiary of a bank;

(e) The contract between the system and the investment counsel is of no specific duration and is voidable at any time by either party; and

(f) The person has been approved by the state board of finance for employment as investment counsel.

3. More than one investment counsel may be employed in the discretion of the [board.] *governor.*

4. The expense of such employment must be paid from the state insurance fund.

5. Any investment program adopted by the system and all investments made thereunder must be reported quarterly in writing by the [board] *governor* to the state board of finance, and the report is subject to review by the state board of finance. The state board of finance may require the [board] *governor* to provide further reports and may recommend modifications in the investment program, including replacement of the investment counsel. If, after a reasonable time, the [board] *governor* has not taken suitable corrective action in response to recommendations by the state board of finance, the state board of finance may direct the [board] *governor* to carry out its recommendations in a manner acceptable to the state board of finance. Any directives from the state board of finance must be in writing.

6. With the approval of the state board of finance, the [board] *governor* may designate the bank or banks which shall have the custody of the various investments authorized in NRS 616.4972 to 616.4984, inclusive.

7. The system may accept due bills from brokers upon delivery of warrants if the certificates representing the investments are not readily available.

Sec. 165.5. NRS 616.4971 is hereby amended to read as follows:

616.4971 1. No person engaged in business as a broker or dealer in securities or who has a direct pecuniary interest in any such business who receives commissions for transactions performed as an agent for the system is eligible for employment as investment counsel for the system.

2. The [governor] *manager* shall not engage investment counsel unless:

(a) The principal business of the person selected by the [governor] *manager* consists of rendering investment supervisory services, that is, the giving of continuous advice as to the investment of money on the basis of the individual needs of each client;

(b) The person and his predecessors have been continuously engaged in such business for a period of 3 or more years, and, if a firm or corporation, the senior management personnel of the firm or corporation have an average of 10 years professional experience as investment managers;

(c) The person as of the time originally hired, has at least $250,000,000 of assets under management contract, exclusive of any assets related to governmental agencies in this state;

(d) The person is registered as an investment adviser under the laws of the United States as from time to time in effect, or is a bank or an investment management subsidiary of a bank;

(e) The contract between the system and the investment counsel is of no specific duration and is voidable at any time by either party; and

(f) The person has been approved by the state board of finance for employment as investment counsel.

3. More than one investment counsel may be employed in the discretion of the [governor.] *manager.*

4. The expense of such employment must be paid from the state insurance fund.

5. Any investment program adopted by the system and all investments made thereunder must be reported quarterly in writing by the [governor] *manager* to the state board of finance, and the report is subject to review by the state board of finance. The state board of finance may require the [governor] *manager* to provide further reports and may recommend modifications in the investment program, including replacement of the investment counsel. If, after a reasonable time, the [governor] *manager* has not taken suitable corrective action in response to recommendations by the state board of finance, the state board of finance may direct the [governor] *manager* to carry out its recommendations in a manner acceptable to the state board of finance. Any directives from the state board of finance must be in writing.

6. With the approval of the state board of finance, the [governor] *manager* may designate the bank or banks which shall have the custody of the various investments authorized in NRS 616.4972 to 616.4984, inclusive.

7. The system may accept due bills from brokers upon delivery of warrants if the certificates representing the investments are not readily available.

Sec. 166. NRS 616.500 is hereby amended to read as follows:

616.500 1. [Notice of the injury for which compensation is payable under this chapter must be given to the insurer] *An employee or, in the event of the employee's death, one of his dependents, shall provide written notice of an injury that arose out of and in the course of employment to the employer of the employee* as soon as practicable, but within 30 days after the accident.

2. [In the event of the death of the employee resulting from the injury, notice must be given to the insurer as soon as practicable, but within 30 days after death.

3.] The notice *required by subsection 1* must:

(a) Be [in writing;

(b) Contain the name and address of the injured employee;

(c) Contain a statement in ordinary language of the time, place, nature and cause of the injury; and

(d)] *on a form prescribed by the administrator. The form must allow the injured employee or his dependent to describe briefly the accident that caused the injury or death.*

(b) Be signed by the injured employee or by a person on his behalf, or in the event of the employee's death, by one [or more] of his dependents or by a person [on their behalf.

4. No proceeding under this chapter for compensation for an injury may be maintained unless the injured employee, or someone on his behalf, files with the insurer a claim for compensation with respect to the injury within 90 days after the accident, or, in the event of the employee's death, within 1 year after death.

5. The notice required by this section must be served by delivery of a copy of the notice, or by mailing a copy thereof in a sealed postpaid envelope addressed to the insurer. Such mailing constitutes complete service.

6. Failure to give notice or to file a claim for compensation within the time specified in this section is a bar to any claim for compensation under this chapter, but such failure may be excused by the insurer on one or more of the following grounds:

(a) That there was good cause for the failure to give notice or file the claim.

(b) That notice for some sufficient reason could not have been made.

(c) That failure to give notice will not result in an unwarrantable charge against the state insurance fund.

(d) That failure to give notice was because of the employee's or beneficiary's mistake or ignorance of fact or of law, or of his physical or mental inability, or because of fraud, misrepresentation or deceit.

7. The insurer shall accept or deny responsibility for compensation under this chapter or chapter 617 of NRS within 14 working days after the notice provided for in this section is received. If additional information is necessary to determine liability, the administrator may, upon good cause shown by the insurer, extend the period to 45 days upon notice to the claimant. If additional information is still necessary, the administrator may, upon good cause shown by the insurer, grant a further extension if the claimant gives his written consent, but the total period may not be extended to more than 75 days.] *acting on behalf of the dependent.*

(c) Include an explanation of the procedure for filing a claim for compensation.

(d) Be prepared in duplicate so that the injured employee or his dependent and the employer can retain a copy of the notice.

3. Upon receipt of the notice required by subsection 1, the employer, the injured employee's supervisor or the agent of the employer who was in charge of the type of work or the area where the accident occurred shall sign the notice. The signature of the employer, the supervisor or the employer's agent is an acknowledgment of the receipt of the notice and shall not be deemed to be a waiver of any of the employer's defenses or rights.

4. An employer shall maintain a sufficient supply of the forms required to file the notice required by subsection 1 for use by his employees.

5. An employer shall retain any notice provided pursuant to subsection 1 for 3 years after the date of the accident. An employer insured by the system shall not file a notice of injury with the system.

Sec. 167. NRS 616.502 is hereby amended to read as follows:

616.502 1. The insurer may not, in accepting responsibility for any charges, use fee schedules which unfairly discriminate among physicians and chiropractors.

2. If a physician or chiropractor is removed from the panel established pursuant to NRS 616.342 [,] *or from participation in a plan for managed care established pursuant to section 74 or 78 of this act,* he must not be paid for any services rendered to the injured employee after the date of his removal.

Sec. 168. NRS 616.510 is hereby amended to read as follows:

616.510 1. A person is conclusively presumed to be totally dependent upon an injured or deceased employee if the person is a natural, posthumous or adopted child, whether legitimate or illegitimate, under the age of 18 years, or over that age if physically or mentally incapacitated from wage earning, and there is no surviving parent. Stepparents may be regarded in this chapter as parents if the fact of dependency is shown, and a stepchild or stepchildren may be regarded in this chapter as a natural child or children if the existence and fact of dependency are shown.

2. [Questions] *Except as otherwise provided in subsection 13 of NRS 616.615, questions* as to who constitute dependents and the extent of their

dependency must be determined as of the date of the accident or injury to the employee, and their right to any benefit becomes fixed at that time, irrespective of any subsequent change in conditions, and the benefits are directly recoverable by and payable to the dependent or dependents entitled thereto, or to their legal guardians or trustees.

3. The presumptions of this section do not apply in favor of aliens who are nonresidents of the United States at the time of the accident, injury to, or death of the employee.

Sec. 169. NRS 616.515 is hereby amended to read as follows:

616.515 *1.* Every injured employee within the provisions of this chapter [shall be] *is* entitled to receive [, and shall receive promptly,] *promptly* such accident benefits as may reasonably be required at the time of the injury and within 6 months thereafter . [, which] *Such benefits* may be further extended for additional periods as may be required.

2. An injured employee is entitled to receive as an accident benefit a motor vehicle that is modified to allow the employee to operate the vehicle safely if:

(a) As a result of an injury arising out of and in the course of his employment, he is quadriplegic, paraplegic or has had a part of his body amputated; and

(b) He cannot be fitted with a prosthetic device which allows him to operate a motor vehicle safely.

3. If an injured employee is entitled to receive a motor vehicle pursuant to subsection 2, a motor vehicle must be modified to allow the employee to operate it safely in the following order of preference:

(a) A motor vehicle owned by the injured employee must be so modified if the insurer or employer providing accident benefits determines that it is reasonably feasible to do so.

(b) A used motor vehicle must be so modified if the insurer or employer providing accident benefits determines that it is reasonably feasible to do so.

(c) A new motor vehicle must be so modified.

Sec. 169.5. NRS 616.517 is hereby amended to read as follows:

616.517 1. The system shall establish teams of employees of the system to manage extended claims. Each such team must include a claims examiner, nurse and vocational rehabilitation counselor.

2. The case load for a claims examiner who is a member of such a team must not exceed 200 active claims. The manager shall determine the case load for the other members of a team. The case load for vocational rehabilitation counselors [who conduct full vocational assessments must not exceed 35 active claims.] *must comply with the requirements of section 21.1 of this act.*

3. Within 10 days after a case is assigned to a team to manage extended claims, a nurse or a claims examiner who represents the system shall consult with the injured employee, the employer and the physician of the injured employee to establish a plan of care for the injured employee, whenever practicable.

4. The plan of care for the injured employee must provide early intervention, if appropriate, and may include:

(a) Physical therapy, medical services and rehabilitation;

(b) Occupational therapy;

(c) Psychological examination;

(d) Vocational rehabilitation services; and

(e) Diagnostic services.

5. The team shall provide the employer and the treating physician or chiropractor with information concerning the injured employee, including:

(a) Any changes in the treating physician or chiropractor; and

(b) Information concerning the denial of a claim.

Sec. 170. NRS 616.520 is hereby amended to read as follows:

616.520 1. Except as otherwise provided in subsection 4 of NRS 616.260, if an employee who has been hired or is regularly employed in this state [,] receives personal injury by accident arising out of and in the course of such employment outside of this state, he, or his dependents in case of his death, are entitled to receive compensation according to the law of this state, and such compensation is the exclusive remedy of the employee or dependents.

2. The provisions of this section apply only to those injuries received by the employee within 6 months after leaving this state, unless before the expiration of the 6-month period the employer has filed with the system or, in the case of a self-insured employer [,] *or an association of self-insured public or private employers,* with the administrator notice that he has elected to extend the coverage *for* a greater period . [of time.]

Sec. 171. NRS 616.530 is hereby amended to read as follows:

616.530 1. If an employee who has been hired or is regularly employed in this state receives personal injury by accident arising out of and in the course of such employment outside this state, and he, or his personal or legal representatives, dependents or next of kin commence any action or proceeding in any other state to recover any damages or compensation for the injury or death from his employer, the act of commencing such action or proceeding constitutes an irrevocable waiver of all compensation for the injury or death to which persons would otherwise have been entitled under the laws of this state.

2. If the injured employee, his personal or legal representatives, dependents or next of kin recover a final judgment against the employer for damages arising out of the injury or death in any court of competent jurisdiction in any other state, the compensation which would otherwise have been payable under the laws of this state, up to the full amount thereof, but less any sums previously paid for the injury or death, must be applied in satisfaction of the judgment as follows:

(a) Upon receipt of an authenticated copy of the final judgment and writ of execution or other process issued in aid thereof, the insurer shall forthwith determine the total amount of compensation which would have been payable under the laws of this state [had] *if a* claim therefor *had* been made to the

insurer. In the case of compensation payable in installments, the insurer shall convert it into a lump sum amount by such system of computation as the administrator deems proper.

(b) The insurer shall thereupon order to be paid in full or partial satisfaction of the judgment a sum not to exceed the total amount of compensation computed as provided in this section or the amount of the judgment, whichever is [the lesser.] *less.*

(c) Except for a self-insured employer [,] *or an employer who is a member of an association of self-insured public or private employers,* if the judgment is satisfied fully by the employer before any payment by the system pursuant to paragraph (b), the amount payable thereunder must be paid to the employer.

Sec. 172. NRS 616.535 is hereby amended to read as follows:

616.535 1. Any employee who is entitled to receive compensation under this chapter shall, if:

(a) Requested by the insurer; or

(b) Ordered by an appeals officer or a hearing officer,

submit himself for medical examination at a time and from time to time at a place reasonably convenient for the employee, and as may be provided by the regulations of the department.

2. *If the insurer has reasonable cause to believe that an injured employee who is receiving compensation for a permanent total disability is no longer disabled, the insurer may request the employee to submit to an annual medical examination to determine whether the disability still exists. The insurer shall pay the costs of the examination.*

3. The request or order for [the] *an* examination must fix a time and place therefor, with due regard for the nature of the medical examination, the convenience of the employee, his physical condition and his ability to attend at the time and place fixed.

[3.] *4.* The employee is entitled to have a physician or chiropractor, provided and paid for by him, present at any such examination.

[4.] *5.* If the employee refuses to submit to [any such] *an* examination *ordered or requested pursuant to subsection 1 or 2* or obstructs [it,] *the examination,* his right to compensation is suspended until the examination has taken place, and no compensation is payable during or for the period of suspension.

[5.] *6.* Any physician or chiropractor who makes or is present at any such examination may be required to testify as to the result thereof.

Sec. 173. NRS 616.539 is hereby amended to read as follows:

616.539 1. If an injured employee disagrees with the percentage of disability determined by a physician [,] *or chiropractor,* the injured employee may [choose another] *select the next* physician *or chiropractor in rotation* from the list [established] *of qualified physicians or chiropractors maintained by the administrator* pursuant to *subsection 2 of* NRS 616.605 and obtain a second determination of the percentage of disability. The injured employee shall pay for the second determination.

2. The results of a second determination made pursuant to subsection 1 may be offered at any hearing or settlement conference.

3. If a hearing officer or appeals officer determines, or if the parties agree, that the percentage of disability of the injured employee is greater than the first determination, the insurer shall reimburse the injured employee for the costs of the second determination.

Sec. 174. (Omitted in amendment.)

Sec. 175. NRS 616.5412 is hereby amended to read as follows:

616.5412 1. Any person who is subject to the jurisdiction of the hearing officers pursuant to this chapter or chapter 617 of NRS may request a hearing before a hearing officer of any matter within [his] *the hearing officer's* authority. The insurer shall provide, without cost, the forms necessary to request a hearing to any person who requests them.

2. [A] *Except as otherwise provided in section 79 of this act, a* person who is aggrieved by:

(a) A written determination of an insurer; or

(b) The failure of an insurer to respond within 30 days to a written request mailed to the insurer by the person who is aggrieved,

may appeal from the determination or failure to respond by filing a request for a hearing before a hearing officer. Such a request must be filed within [60] *70* days after the date on which the notice of [its] *the insurer's* determination was mailed by the insurer or the unanswered written request was mailed to the insurer, as applicable. [Except as otherwise provided in subsection 7 of NRS 616.500, the] *The* failure of an insurer to respond to a written request for a determination within 30 days after receipt of such a request shall be deemed by the hearing officer to be a denial of the request.

3. Failure to file a request for a hearing within the period specified in subsection 2 may be excused if the person aggrieved shows by a preponderance of the evidence that he did not receive the notice of the determination and the forms necessary to request a hearing. The claimant or employer shall notify the insurer of a change of address.

4. The hearing before the hearing officer must be conducted as expeditiously and informally as is practicable.

5. The parties to a contested claim may, if the claimant is represented by legal counsel, agree to forego a hearing before a hearing officer and submit the contested claim directly to an appeals officer.

Sec. 176. NRS 616.5414 is hereby amended to read as follows:

616.5414 If an employee of a self-insured employer is dissatisfied with a decision of his employer, he may [request a hearing before the hearing officer.] *seek to resolve the dispute pursuant to section 79 of this act and NRS 616.5412 to 616.544, inclusive.*

Sec. 177. NRS 616.5414 is hereby amended to read as follows:

616.5414 If an employee of a self-insured employer *or of an employer who is a member of an association of self-insured public or private employers* is dissatisfied with a decision of his employer [,] *or the association,* he may seek to resolve the dispute pursuant to section 79 of this act and NRS 616.5412 to 616.544, inclusive.

Sec. 178. NRS 616.5415 is hereby amended to read as follows:

616.5415 1. *It is unlawful for any person who is not:*

(a) Employed full time by the employee's labor organization;

(b) Admitted to practice law in this state; or

(c) Appearing without compensation on behalf of the employee,

to represent the employee before a hearings officer. It is unlawful for any person who is not admitted to practice law in this state to represent the employee before an appeals officer.

2. It is unlawful for any person who is not:

(a) Employed full time by the employer of [the employee's labor organization;] *a trade association to which the employer belongs;*

(b) Admitted to practice law in this state; or

(c) [Appearing without compensation on behalf of another,] *A licensed third party administrator,*

to represent the employer [or employee] at hearings of contested cases . [unless licensed to do so by the commissioner.

2.] *3.* The commissioner shall adopt regulations which include the:

(a) Requirements for licensure of employers' [and employees'] representatives, including:

(1) The registration of each representative; and

(2) The filing of a copy of each written agreement for the compensation of a representative;

(b) Procedure for such licensure; and

(c) Causes for revocation of such a license, including any applicable action listed in NRS 616.647 or a violation of this section.

[3.] *4.* Any person who is employed by or contracts with an employer to represent the employer at hearings regarding contested claims is an agent of the employer. If the employer's representative violates any provision of this chapter, the employer is liable for any penalty assessed because of that violation.

[4.] *5.* An employer shall not make the compensation of any person representing him contingent in any manner upon the outcome of any contested claim.

[5.] *6.* The commissioner shall collect in advance and deposit with the state treasurer for credit to the state general fund the following fees for licensure as an employer's [or an employee's] representative:

(a) Application and license..... $78

(b) Triennial renewal of each license..... 78

Sec. 179. NRS 616.5416 is hereby amended to read as follows:

616.5416 1. The hearing officer shall:

(a) Within 5 days after receiving a request for a hearing, set the hearing for a date and time within 30 days after his receipt of the request;

(b) Give notice by mail or by personal service to all interested parties to the hearing at least 15 days before the date and time scheduled; and

(c) Conduct hearings expeditiously and informally.

2. The notice must include a statement that the injured employee may be represented by a private attorney or seek assistance and advice from the Nevada attorney for injured workers.

3. If necessary to resolve a medical question concerning an injured employee's condition, the hearing officer may refer the employee to a physician or chiropractor chosen by the hearing officer. If the medical question concerns the rating of a permanent disability, the hearing officer may refer the employee to a *rating* physician or chiropractor . [designated by the administrator.] *The rating physician or chiropractor must be selected in rotation from the list of qualified physicians and chiropractors maintained by the administrator pursuant to subsection 2 of NRS 616.605, unless the insurer and injured employee otherwise agree to a rating physician or chiropractor.* The insurer shall pay the costs of any medical examination requested by the hearing officer.

4. The hearing officer may allow or forbid the presence of a court reporter and the use of a tape recorder in a hearing.

5. The hearing officer shall render his decision within [7] *15* days after:

(a) The hearing; or

(b) He receives a copy of the report from the medical examination he requested.

6. The hearing officer shall render his decision in the most efficient format developed by the chief of the hearings division of the department of administration.

7. The hearing officer shall give notice of his decision to each party by mail. He shall include with the notice of his decision the necessary forms for appealing from the decision.

8. The decision of the hearing officer is not stayed if an appeal from that decision is taken unless a stay is granted by the hearing officer or an appeals officer . [within 15 days after the date on which the decision was rendered.]

Sec. 180. NRS 616.542 is hereby amended to read as follows:

616.542 1. The governor shall appoint one or more appeals officers to conduct hearings in contested claims for compensation [under this chapter and chapter 617 of NRS.] *pursuant to NRS 616.5426.* Each appeals officer shall hold office for 2 years from the date of his appointment and until his successor is appointed and has qualified. Each appeals officer is entitled to receive an annual salary in an amount provided by law and is in the unclassified service of the state.

2. Each appeals officer must be an attorney who has been licensed to practice law before all the courts of this state for at least 2 years. Except as otherwise provided in NRS 7.065, an appeals officer shall not engage in the private practice of law.

3. If an appeals officer determines that he has a personal interest or a conflict of interest, directly or indirectly, in any case which is before him, he shall disqualify himself from hearing the case and the governor may appoint a special appeals officer who is vested with the same powers as the regular appeals officer would possess. The special appeals officer is entitled to be paid at an hourly rate, based upon the appeals officer's salary.

4. The decision of an appeals officer is the final and binding administrative determination of a claim for compensation under this chapter or chapter 617 of NRS, and the whole record consists of all evidence taken at the hearing before the appeals officer and any findings of fact and conclusions of law based thereon.

Sec. 180.5. NRS 616.5422 is hereby amended to read as follows:

616.5422 1. Any party aggrieved by a decision of the hearing officer relating to a claim for compensation may appeal from the decision by filing a notice of appeal with an appeals officer within 30 days after the date of the decision.

2. *If a dispute is required to be submitted to a procedure for resolving complaints pursuant to section 79 of this act and:*

(a) A final decision was rendered pursuant to that procedure; or

(b) The dispute was not resolved pursuant to that procedure within 14 days after it was submitted,

the employee or, in the event of his death, his dependent may file a notice of appeal within 70 days after the date on which the final decision was mailed to the employee, or his dependent, or the unanswered request for resolution was submitted. Failure to render a written decision within 30 days after receipt of such a request shall be deemed by the appeals officer to be a denial of the request.

3. The filing of a notice of appeal does not automatically stay the enforcement of the decision of [the] *a* hearing officer [.] *or a decision rendered pursuant to section 79 of this act.* The appeals officer may order a stay, when appropriate, upon the application of a party.

[3.] *4.* The appeals officer shall, within 10 days after receiving a notice of appeal [,] *pursuant to this section or a contested claim pursuant to subsection 5 of NRS 616.5412,* schedule a hearing for a date and time within [45] *90* days after his receipt of the notice and give notice by mail or by personal service to all parties to the [appeal] *matter* and their attorneys or agents at least 30 days before the date and time scheduled. *A request to schedule the hearing for a date and time within 60 days after the receipt of the notice of appeal or contested claim may be submitted to the appeals officer only if all parties to the appeal or contested claim agree to the request.*

[4.] *5.* An appeal *or contested claim* may be continued upon written stipulation of all parties, or upon good cause shown.

[5.] *6.* Failure to file a notice of appeal within the period specified in subsection 1 *or 2* may be excused if the party aggrieved shows by a preponderance of the evidence that he did not receive the notice of the decision and the forms necessary to appeal the decision. The claimant, employer or insurer shall notify the hearing officer of a change of address.

Sec. 181. NRS 616.5424 is hereby amended to read as follows:

616.5424 At any time 10 or more days before a scheduled hearing before an appeals officer, the administrator , [or] the manager [,] *or the manager's designee,* a party shall mail or deliver to the opposing party any affidavit which he proposes to introduce into evidence and notice to the effect that

unless the opposing party, within 7 days after the mailing or delivery of such affidavit, mails or delivers to the proponent a request to cross-examine the affiant, his right to cross-examine the affiant is waived and the affidavit, if introduced into evidence, will have the same effect as if the affiant had given sworn testimony before the appeals officer, the administrator , [or] the manager [.] *or the manager's designee.*

Sec. 182. NRS 616.5426 is hereby amended to read as follows:

616.5426 1. A stenographic or electronic record must be kept of the hearing before the appeals officer and the rules of evidence applicable to contested cases under chapter 233B of NRS apply to the hearing.

2. The appeals officer must hear any matter raised before him on its merits, including new evidence bearing on the matter.

3. If necessary to resolve a medical question concerning an injured employee's condition, the appeals officer may refer the employee to a physician or chiropractor chosen by the appeals officer. If the medical question concerns the rating of a permanent disability, the appeals officer may refer the employee to a *rating* physician or chiropractor . [designated by the administrator.] *The rating physician or chiropractor must be selected in rotation from the list of qualified physicians or chiropractors maintained by the administrator pursuant to subsection 2 of NRS 616.605, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor.* The insurer shall pay the costs of any examination requested by the appeals officer.

4. Any party to the appeal or the appeals officer may order a transcript of the record of the hearing at any time before the seventh day after the hearing. The transcript must be filed within 30 days after the date of the order unless the appeals officer otherwise orders.

5. The appeals officer shall render his decision:

(a) If a transcript is ordered within 7 days after the hearing, within 30 days after the transcript is filed; or

(b) If a transcript has not been ordered, within 30 days after the date of the hearing.

6. The appeals officer may affirm, modify or reverse any decision made by the hearing officer and issue any necessary and proper order to give effect to his decision.

Sec. 183. (Omitted in amendment.)

Sec. 184. NRS 616.543 is hereby amended to read as follows:

616.543 1. No judicial proceedings may be instituted for compensation for an injury or death under this chapter unless:

(a) A claim for compensation is filed as provided in [NRS 616.500;] *section 12 of this act;* and

(b) A final decision of an appeals officer has been rendered on such claim.

2. Judicial proceedings instituted for compensation for an injury or death, under this chapter are limited to judicial review of the decision of an appeals officer.

Sec. 185. (Omitted in amendment.)

Sec. 186. NRS 616.544 is hereby amended to read as follows:

616.544 If a party petitions the district court for judicial review of a final decision of an appeals officer , [or] the manager [,] *or the manager's designee,* and the petition is found by the district court to be frivolous or brought without reasonable grounds, the district court may order costs and a reasonable attorney's fee to be paid by the petitioner.

Sec. 187. NRS 616.545 is hereby amended to read as follows:

616.545 1. If [a] *an application to reopen a claim to increase or rearrange compensation is made in writing more than 1 year after the date on which the claim was closed, the insurer shall reopen the claim if:*

(a) A change of circumstances warrants an increase or rearrangement of compensation during the life of [an injured employee, application may be made therefor.] *the claimant;*

(b) The primary cause of the change of circumstances is the injury for which the claim was originally made; and

(c) The application [must be in writing and] *is* accompanied by the certificate of a physician [,] or a chiropractor showing a change of circumstances which would warrant an increase or rearrangement of compensation. [No increase or rearrangement is effective before the application is made unless good cause is shown. The insurer shall, upon good cause shown, allow the cost of emergency treatment the necessity for which has been certified by a physician or a chiropractor.]

2. After a claim has been closed, the insurer, upon receiving an application and for good cause shown, may authorize the reopening of the claim for medical investigation only. The application must be accompanied by a written request for treatment from the physician or chiropractor treating the claimant, certifying that the treatment is indicated by a change in circumstances and is related to the industrial injury sustained by the claimant.

3. If a claimant applies for a claim to be reopened pursuant to subsection 1 or 2 and a final determination denying the reopening is issued, the claimant shall not reapply to reopen the claim until at least 1 year after the date on which the final determination is issued.

4. Except as otherwise provided in subsection 5, if an application to reopen a claim is made in writing within 1 year after the date on which the claim was closed, the insurer shall reopen the claim only if there is clear and convincing evidence that the primary cause of the change of circumstances is the injury for which the claim was originally made.

5. An application to reopen a claim must be made in writing within 1 year after the date on which the claim was closed if:

(a) The claimant was not off work as a result of the injury; and

(b) The claimant did not receive benefits for a permanent partial disability.

If an application to reopen a claim to increase or rearrange compensation is made pursuant to this subsection, the insurer shall reopen the claim if the requirements set forth in paragraphs (a), (b) and (c) of subsection 1 are met.

6. If an employee's claim is reopened pursuant to this section, he is not entitled to vocational rehabilitation services or benefits for a temporary total disability if, before his claim was reopened, he:

(a) Retired; or

(b) Otherwise voluntarily removed himself from the work force,

for reasons unrelated to the injury for which the claim was originally made.

7. One year after the date on which the claim was closed, an insurer may dispose of the file of a claim authorized to be reopened pursuant to subsection 5, unless an application to reopen the claim has been filed pursuant to that subsection.

8. An increase or rearrangement of compensation is not effective before an application for reopening a claim is made unless good cause is shown. The insurer shall, upon good cause shown, allow the cost of emergency treatment the necessity for which has been certified by a physician or a chiropractor.

9. A claim that automatically closes pursuant to subsection 2 of NRS 616.567 may not be reopened pursuant to this section.

Sec. 188. NRS 616.560 is hereby amended to read as follows:

616.560 1. *If an injured employee or, in the event of his death, his dependents, bring an action in tort against his employer to recover payment for an injury which is compensable under this chapter or chapter 617 of NRS and, notwithstanding the provisions of NRS 616.370, receive payment from the employer for that injury:*

(a) The amount of compensation the injured employee or his dependents are entitled to receive pursuant to the provisions of this chapter, including any future compensation, must be reduced by the amount paid by the employer.

(b) The insurer, or in the case of claims involving the uninsured employer's claim fund or the subsequent injury fund the administrator, has a lien upon the total amount paid by the employer if the injured employee or his dependents receive compensation pursuant to the provisions of this chapter.

This subsection is applicable whether the money paid to the employee or his dependents by the employer is classified as a gift, a settlement or otherwise. The provisions of this subsection do not grant to an injured employee any right of action in tort to recover damages from his employer for his injury.

2. When an employee [coming under the provisions of this chapter] receives an injury for which compensation is payable [under] *pursuant to the provisions of* this chapter and which was caused under circumstances creating a legal liability in some person, other than the employer or a person in the same employ, to pay damages in respect thereof:

(a) The injured employee, or in case of death [,] his dependents, may take proceedings against that person to recover damages, but the amount of the compensation [to which] the injured employee or his dependents are entitled [under] *to receive pursuant to the provisions of* this chapter, including any future compensation , [under this chapter,] must be reduced by the amount of the damages recovered, notwithstanding any act or omission of the employer or a person in the same employ which was a direct or proximate cause of the employee's injury.

(b) If the injured employee, or in case of death his dependents, receive compensation [under] *pursuant to the provisions of* this chapter, the insurer, or in case of claims involving the uninsured employers' claim fund or the subsequent injury fund [,] the administrator, has a right of action against the person so liable to pay damages and is subrogated to the rights of the injured employee or of his dependents to recover therefor.

3. When an injured employee incurs an injury for which compensation is payable pursuant to the provisions of this chapter and which was caused under circumstances entitling him, or in the case of death his dependents, to receive proceeds under his employer's policy of uninsured or underinsured vehicle coverage:

(a) The injured employee, or in the case of death his dependents, may take proceedings to recover those proceeds, but the amount of compensation the injured employee or his dependents are entitled to receive pursuant to the provisions of this chapter, including any future compensation, must be reduced by the amount of proceeds received.

(b) If an injured employee, or in the case of death his dependents, receive compensation pursuant to the provisions of this chapter, the insurer, or in the case of claims involving the uninsured employers' claim fund or the subsequent injury fund the administrator, is subrogated to the rights of the injured employee or his dependents to recover proceeds under the employer's policy of uninsured or underinsured vehicle coverage. The insurer and the administrator are not subrogated to the rights of an injured employee or his dependents under a policy of uninsured or underinsured vehicle coverage purchased by the employee.

4. In any action or proceedings taken by the insurer or the administrator [under] *pursuant to* this section, evidence of the amount of compensation, accident benefits and other expenditures which the insurer, the uninsured employers' claim fund or the subsequent injury fund have paid or become obligated to pay by reason of the injury or death of the employee is admissible. If in such action or proceedings the insurer or the administrator recovers more than those amounts, the excess must be paid to the injured employee or his dependents.

[(c) The injured employee, or in case of death his dependents, shall first notify the insurer, or in the case of claims involving the uninsured employers' claim fund or subsequent injury fund the administrator, in writing of any action or proceedings, pursuant to this section, to be taken by the employee or his dependents.

2.] *5.* In any case where the insurer or the administrator is subrogated to the rights of the injured employee or of his dependents as provided in subsection [1,] *2 or 3,* the insurer or the administrator has a lien upon the total proceeds of any recovery from some person other than the employer, whether the proceeds of such recovery are by way of judgment, settlement or otherwise. The injured employee, or in the case of his death his dependents, are not entitled to double recovery for the same injury, notwithstanding any act or omission of the employer or a person in the same employ which was a direct or proximate cause of the employee's injury.

[3.] *6.* The lien provided for under subsection [2] *1 or 5* includes the total compensation expenditure incurred by the insurer, the uninsured employers' claim fund or the subsequent injury fund for the injured employee and his dependents.

[4.] *7. An injured employee, or in the case of death his dependents, shall notify the insurer, or in the case of claims involving the uninsured employers' claim fund or subsequent injury fund the administrator, in writing before initiating a proceeding or action pursuant to this section.*

8. Within 15 days [of] *after* the date of recovery by way of actual receipt of the proceeds of the judgment, settlement or otherwise [, the] *:*

(a) The injured employee or his [representative] *dependents, or the attorney or representative of the injured employee or his dependents; and*

(b) The third-party insurer,

shall notify the insurer, or in the case of claims involving the uninsured employers' claim fund or subsequent injury fund the administrator, of the recovery and pay to the insurer or the administrator, respectively, the amount due under this section together with an itemized statement showing the distribution of the total recovery.

[5.] *The attorney or representative of the injured employee or his dependents and the third-party insurer are jointly and severally liable for any amount to which an insurer is entitled pursuant to this section if the attorney, representative or third-party insurer has knowledge of the lien provided for in this section.*

9. An insurer shall not sell its lien to a third-party insurer unless the injured employee or his dependents, or the attorney or representative of the injured employee or his dependents, refuses to provide to the insurer information concerning the action against the third party.

10. In any trial of an action by the injured employee, or in the case of his death by his dependents, against a person other than the employer or a person in the same employ, the jury [shall] *must* receive proof of the amount of all payments made or to be made by the insurer or the administrator. The court shall instruct the jury substantially as follows:

"Payment of workmen's compensation benefits by the insurer, or in the case of claims involving the uninsured employers' claim fund or subsequent injury fund the administrator, is based upon the fact that a compensable industrial accident occurred, and does not depend upon blame or fault. If the plaintiff does not obtain a judgment in his favor in this case, he is not required to repay his employer, the insurer or the administrator any amount paid to him or paid on his behalf by his employer, the insurer or the administrator.

If you decide that the plaintiff is entitled to judgment against the defendant, you shall find his damages in accordance with the court's instructions on damages and return your verdict in the plaintiff's favor in the amount so found without deducting the amount of any compensation benefits paid to or for the plaintiff. The law provides a means by which any compensation benefits will be repaid from your award."

[6.] *11.* For the purposes of calculating an employer's premium, the employer's account with the system must be credited with an amount equal to that recovered by the system from a third party pursuant to this section, less the system's share of the expenses of litigation incurred in obtaining the recovery, except that the total credit must not exceed the amount of compensation actually paid or reserved by the system on the injured employee's claim.

12. As used in this section, "third-party insurer" means an insurer that issued to a third party who is liable for damages pursuant to subsection 2, a policy of liability insurance the proceeds of which are recoverable pursuant to this section. The term includes an insurer that issued to an employer a policy of uninsured or underinsured vehicle coverage.

Sec. 189. NRS 616.563 is hereby amended to read as follows:

616.563 1. If an insurer determines that an employee has [willfully] *knowingly* misrepresented or concealed a material fact to obtain any benefit or payment under the provisions of this chapter, the insurer may deduct from any benefits or payments due to the employee, the amount obtained by the employee because of the misrepresentation or concealment of a material fact. The employee shall reimburse the insurer for all benefits or payments received because of the willful misrepresentation or concealment of a material fact.

2. An employee who is aggrieved by a determination of an insurer made pursuant to subsection 1 may appeal that determination pursuant to NRS 616.5412 to 616.544, inclusive. If the final decision by an appeals officer is favorable to the employee, the administrator shall order the insurer to pay $2,000 to that employee, in addition to any benefits or payments the employee is entitled to receive [.] , *if:*

(a) The final decision is favorable to the employee; and

(b) The administrator determines that the insurer had no reasonable basis for believing that the employee knowingly misrepresented or concealed a material fact to obtain any benefit or payment.

3. This section does not preclude an insurer from making an investigation pursuant to, or pursuing the remedies provided by, NRS 616.675.

Sec. 190. NRS 616.565 is hereby amended to read as follows:

616.565 1. Compensation is not payable pursuant to the provisions of this chapter for an injury:

(a) Caused by the employee's willful intention to injure himself.

(b) Caused by the employee's willful intention to injure another.

(c) Proximately caused by the employee's intoxication, whether by alcohol or a controlled substance. If the employee was intoxicated at the time of his injury, intoxication must be presumed to be a proximate cause unless rebutted by evidence to the contrary.

2. No compensation is payable for the death, disability or treatment of an employee if his death is caused by, or insofar as his disability is aggravated, caused or continued by, an unreasonable refusal or neglect to submit to or to follow any competent and reasonable surgical treatment or medical aid.

3. If any employee persists in an unsanitary or injurious practice that imperils or retards his recovery, or refuses to submit to such medical or surgical treatment as is necessary to promote his recovery, his compensation may be reduced or suspended.

4. An injured employee's compensation, other than accident benefits, must be suspended if:

(a) A physician or chiropractor determines that the employee is unable to undergo treatment, testing or examination for the industrial injury solely because of a condition or injury that did not arise out of and in the course of his employment; and

(b) It is within the ability of the employee to correct the nonindustrial condition or injury.

The compensation must be suspended until the injured employee is able to resume treatment, testing or examination for the industrial injury. The insurer may elect to pay for the treatment of the nonindustrial condition or injury.

Sec. 191. NRS 616.567 is hereby amended to read as follows:

616.567 1. *Except as otherwise provided in subsection 2:*

(a) When the insurer determines that a claim should be closed before all benefits to which the claimant may be entitled have been paid, the insurer shall send a written notice of its intention to close the claim to the claimant by first-class mail addressed to the last known address of the claimant. The notice must include a statement that *if* the claimant *does not agree with the determination, he* has a right to [a hearing before a hearing officer on the closing of his claim, and that he may request a hearing, in writing, on the form provided with the notice, within 60 days after the date on which the notice was mailed by the insurer.] *request a resolution of the dispute pursuant to NRS 616.5412 to 616.544, inclusive, and section 79 of this act.* A suitable form for requesting a [hearing] *resolution of the dispute* must be enclosed with the notice. The closure of a claim is not effective unless notice is given as required by this subsection.

[2.] *(b)* If the insurer does not receive a request for [a hearing before a hearing officer within 60 days after mailing the notice,] *the resolution of the dispute,* it may close the claim. [Upon receiving a request for a hearing, the insurer shall treat the claim as a contested case for the purposes of the hearing.

3.] *(c)* Notwithstanding the provisions of NRS 233B.125, [in any] *if a* hearing *is* conducted [pursuant to this section,] *to resolve the dispute,* the decision of the hearing officer may be served by first-class mail.

2. If the medical benefits required to be paid for a claim are less than $500, the claim closes automatically if the claimant does not receive medical treatment for the injury for at least 6 months. The claimant may not appeal the closing of such a claim.

Sec. 192. (Omitted in amendment.)

Sec. 193. NRS 616.580 is hereby amended to read as follows:

616.580 [Every]

1. Except as otherwise provided in section 19 of this act, every employee in the employ of an employer, within the provisions of this chapter, who is injured by accident arising out of and in the course of employment, or his dependents as defined in this chapter, is entitled to receive the following compensation for permanent total disability:

[1.] *(a)* In cases of total disability adjudged to be permanent, compensation per month of 66⅔ percent of the average monthly wage.

[2. Where]

(b) If there is a previous disability, as the loss of one eye, one hand, one foot or any other previous permanent disability, the percentage of disability for a subsequent injury must be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury.

[3. In cases of permanent total disability, if]

(c) If the character of the injury is such as to render the [workman] *employee* so physically helpless as to require the service of a constant attendant, an additional allowance may be made so long as such requirements continue, but the allowance may not be made while the [workman] *employee* is receiving benefits for care in a hospital or facility for intermediate care pursuant to the provisions of NRS 616.410 and 616.415.

2. An employee is entitled to receive compensation for a permanent total disability only so long as the permanent total disability continues to exist. The insurer has the burden of proving that the permanent total disability no longer exists.

Sec. 194. NRS 616.585 is hereby amended to read as follows:

616.585 1. [Every] *Except as otherwise provided in this section, section 19 of this act and NRS 616.545, every* employee in the employ of an employer, within the provisions of this chapter, who is injured by accident arising out of and in the course of employment, or his dependents, is entitled to receive for the period of temporary total disability, 66⅔ percent of the average monthly wage.

2. *Except as otherwise provided in NRS 616.252, an injured employee or his dependents are not entitled to accrue or be paid any benefits for a temporary total disability during the time the injured employee is incarcerated. The injured employee or his dependents are entitled to receive such benefits when the injured employee is released from incarceration if he is certified as temporarily totally disabled by a physician or chiropractor.*

3. If a claim for the period of temporary total disability is allowed, the first payment pursuant to this section must be issued by the insurer within 14 working days after receipt of the initial certification of disability [.

3.] *and regularly thereafter.*

4. Any increase in compensation and benefits effected by the amendment of subsection 1 is not retroactive.

[4. For purposes of the payment of benefits for a temporary total disability under this section, the period of]

5. Payments for a temporary total disability [ceases when any] *must cease when:*

(a) A physician or chiropractor determines that the employee is *physically* capable of any gainful employment [.

5. Each insurer shall, with each check that it issues to an injured employee for a temporary total disability, include a form approved by the department for the injured employee to request continued compensation for the temporary total disability.] *for which the employee is suited, after giving consideration to the employee's education, training and experience;*

(b) The employer offers the employee light-duty employment or employment that is modified according to the limitations or restrictions imposed by a physician or chiropractor pursuant to subsection 7; or

(c) Except as otherwise provided in NRS 616.252, the employee is incarcerated.

6. The insurer shall issue to the injured employee, not less than 6 working days before the [beginning] *end* of the period specified in the form, a check for the compensation due the employee for that period, if:

(a) The injured employee has completed and returned the form to the insurer; or

(b) There is documentation with the insurer which indicates a continuing disability [.] *during that period.*

A check shall be deemed delivered upon the date that it is postmarked, if it is properly addressed and the postage is prepaid.

7. A certification of disability issued by a physician or chiropractor must:

(a) Include the period of disability and a description of any physical limitations or restrictions imposed upon the work of the employee;

(b) Specify whether the limitations or restrictions are permanent or temporary; and

(c) Be signed by the physician or chiropractor.

8. If certification of disability specifies that the physical limitations or restrictions are temporary, the employer of the employee at the time of his accident is not required to comply with NRS 616.222 and sections 21.2 to 21.8, inclusive, of this act or the regulations adopted by the division governing vocational rehabilitation services if the employer offers the employee a position that is substantially similar to the employee's position at the time of his injury in relation to the location of the employment, the hours he is required to work and the salary he will be paid.

Sec. 195. NRS 616.605 is hereby amended to read as follows:

616.605 1. [Every] *Except as otherwise provided in section 19 of this act, every* employee, in the employ of an employer within the provisions of this chapter, who is injured by an accident arising out of and in the course of employment is entitled to receive the compensation provided for permanent partial disability. As used in this section "disability" and "impairment of the whole man" are equivalent terms.

2. Within 30 days after receiving from [the treating] *a* physician or chiropractor [chosen pursuant to NRS 616.342] a report indicating that the injured employee may have suffered a permanent disability and is stable and ratable, the insurer shall schedule an appointment with a rating physician or

chiropractor to determine the extent of the employee's disability. The insurer shall select a physician or chiropractor from a group of rating physicians and chiropractors designated by the administrator, to determine the percentage of disability in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the department pursuant to subsection 3 of NRS 616.427. Rating physicians and chiropractors must be selected in rotation from the list of qualified physicians and chiropractors designated by the administrator, according to their area of specialization and the order in which their names appear on the list.

3. *At the request of the insurer, the injured employee shall, before an evaluation by a rating physician or chiropractor is performed, notify the insurer of:*

(a) Any previous evaluations performed to determine the extent of any of the employee's disabilities; and

(b) Any previous injury, disease or condition sustained by the employee which is relevant to the evaluation performed pursuant to this section.

The notice must be on a form approved by the administrator and provided to the injured employee by the insurer at the time of the insurer's request.

4. A rating evaluation must include an evaluation of the loss of motion, sensation and strength of an injured employee if the injury is of a type that might have caused such a loss. No factors other than the degree of physical impairment of the whole man may be considered in calculating the entitlement to compensation for a permanent partial disability.

[4.] *5.* The rating physician or chiropractor shall provide the insurer with his evaluation of the injured employee. After receiving the evaluation, the insurer shall, within 14 days, provide the employee with a copy of the evaluation and notify the employee:

(a) Of the compensation to which he is entitled pursuant to this section; or

(b) That he is not entitled to benefits for permanent partial disability.

[5.] *6.* Each 1 percent of impairment of the whole man must be compensated by a monthly payment [of] *:*

(a) Of 0.5 percent of the claimant's average monthly wage for injuries sustained before July 1, 1981 [, and] *;*

(b) Of 0.6 percent *of the claimant's average monthly wage* for injuries sustained on or after July 1, 1981 [.] *and before the effective date of this section; and*

(c) Of 0.54 percent of the claimant's average monthly wage for injuries sustained on or after the effective date of this section.

Compensation must commence on the date of the injury or the day following the termination of temporary disability compensation, if any, whichever is later, and must continue on a monthly basis for 5 years or until the claimant is 70 years of age, whichever is later.

[6.] *7.* Compensation benefits may be paid annually to claimants who will be receiving less than $100 a month.

[7.] *8.* Where there is a previous disability, as the loss of one eye, one hand, one foot, or any other previous permanent disability, the percentage of

disability for a subsequent injury must be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury.

[8.] *9.* The department may adopt schedules for rating permanent disabilities resulting from injuries sustained before July 1, 1973, and reasonable regulations to carry out the provisions of this section.

[9.] *10.* The increase in compensation and benefits effected by the amendment of this section is not retroactive for accidents which occurred before July 1, 1973.

[10.] *11.* This section does not entitle any person to double payments for the death of [a workman] *an employee* and a continuation of payments for a permanent partial disability, or to a greater sum in the aggregate than if the injury had been fatal.

Sec. 196. NRS 616.607 is hereby amended to read as follows:

616.607 1. Except as otherwise provided in NRS 616.5435, an award for a permanent partial disability may be paid in a lump sum under the following conditions:

(a) A claimant injured on or after July 1, 1973, and before July 1, 1981, who incurs a disability that does not exceed 12 percent may elect to receive his compensation in a lump sum. A claimant injured on or after July 1, 1981, who incurs a disability that does not exceed 25 percent may elect to receive his compensation in a lump sum.

(b) The spouse, or in the absence of a spouse, any dependent child of a deceased claimant injured on or after July 1, 1973, who is not entitled to compensation in accordance with NRS 616.615, is entitled to a lump sum equal to the present value of the deceased claimant's undisbursed award for a permanent partial disability.

(c) Any claimant injured on or after July 1, 1981, who incurs a disability that exceeds 25 percent may elect to receive his compensation in a lump sum equal to the present value of an award for a disability of 25 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 25 percent.

2. If the claimant elects to receive his payment for a permanent partial disability in a lump sum, all of his benefits for compensation terminate. His acceptance of that payment constitutes a final settlement of all factual and legal issues in the case. By so accepting he waives all of his rights regarding the claim, including the right to appeal from the closure of the case or the percentage of his disability, except:

(a) His right to reopen his claim according to the provisions of NRS 616.545; and

(b) Any counseling, training or other rehabilitative services provided by the insurer.

The claimant must be advised in writing of the provisions of this subsection when he demands his payment in a lump sum, and has 20 days after the mailing or personal delivery of this notice within which to retract or reaffirm his demand, before payment may be made and his election becomes final.

3. Any lump sum payment which has been paid on a claim incurred on or after July 1, 1973, must be supplemented if necessary to conform to the provisions of this section.

4. Except as otherwise provided in this subsection, the total lump sum payment for disablement must not be less than one-half the product of the average monthly wage multiplied by the percentage of disability. If the claimant received compensation in installment payments for his permanent partial disability before electing to receive his payment for that disability in a lump sum, the lump sum payment must be calculated for the remaining payment of compensation.

5. The lump sum payable must be equal to the present value of the compensation awarded, less any advance payment or lump sum previously paid. The present value must be calculated using monthly payments in the amounts prescribed in subsection [5] *6* of NRS 616.605 and actuarial annuity tables adopted by the department. The tables must be reviewed annually by a consulting actuary.

6. If a claimant would receive more money by electing to receive compensation in a lump sum than he would if he receives installment payments, he may elect to receive the lump sum payment.

Sec. 197. NRS 616.610 is hereby amended to read as follows:

616.610 [Every]

1. Except as otherwise provided in subsection 2 and section 19 of this act, every employee in the employ of an employer, within the provisions of this chapter, who [shall be] *is* injured by accident arising out of and in the course of employment, [shall be] *is* entitled to receive for *a* temporary partial disability the difference between the wage earned after the injury and the compensation which the injured person would be entitled to receive if temporarily totally disabled when the wage is less than the compensation, but for a period not to exceed 24 months during the period of disability.

2. Except as otherwise provided in NRS 616.252, an injured employee or his dependents are not entitled to accrue or be paid any benefits for a temporary partial disability during the time the employee is incarcerated. The injured employee or his dependents are entitled to receive such benefits if the injured employee is released from incarceration during the period of disability specified in subsection 1 and he is certified as temporarily partially disabled by a physician or chiropractor.

Sec. 198. NRS 616.615 is hereby amended to read as follows:

616.615 If an injury by accident arising out of and in the course of employment causes the death of an employee in the employ of an employer, within the provisions of this chapter, the compensation is known as a death benefit, and is payable as follows:

1. In addition to any other compensation payable pursuant to this chapter, burial expenses are payable in an amount not to exceed $5,000. When the remains of the deceased employee and the person accompanying the remains are to be transported to a mortuary or mortuaries, the charge of transportation must be borne by the insurer if the transportation is not beyond the continental limits of the United States.

2. To the surviving spouse of the deceased employee, 66⅔ percent of the average monthly wage is payable until his death or remarriage, with 2 years' compensation payable in one lump sum upon remarriage.

3. In the event of the subsequent death of the surviving spouse:

(a) Each surviving child of the deceased employee must share equally the compensation theretofore paid to the surviving spouse but not in excess thereof, and it is payable until the youngest *child* reaches the age of 18 years.

(b) [If] *Except as otherwise provided in subsection 11, if* the children have a guardian, the compensation [on account of them] *they are entitled to receive* may be paid to the guardian.

4. Upon the remarriage of a surviving spouse with children:

(a) The surviving spouse must be paid 2 years' compensation in one lump sum and further benefits must cease; and

(b) Each child must be paid 15 percent of the average monthly wage, up to a maximum family benefit of 66⅔ percent of the average monthly wage.

5. If there are any surviving children of the deceased employee under the age of 18 years, but no surviving spouse, then each such child is entitled to his proportionate share of 66⅔ percent of the average monthly wage for his support.

6. Except as otherwise provided in subsection 7, if there is no surviving spouse or child under the age of 18 years, there must be paid:

(a) To a parent, if wholly dependent for support upon the deceased employee at the time of *the* injury causing his death, 33⅓ percent of the average monthly wage.

(b) To both parents, if wholly dependent for support upon the deceased employee at the time of *the* injury causing his death, 66⅔ percent of the average monthly wage.

(c) To each brother or sister until he or she reaches the age of 18 years, if wholly dependent for support upon the deceased employee at the time of *the* injury causing his death, his proportionate share of 66⅔ percent of the average monthly wage.

7. The aggregate compensation payable pursuant to subsection 6 must not exceed 66⅔ percent of the average monthly wage.

8. In all other cases involving a question of total or partial dependency:

(a) The extent of the dependency must be determined in accordance with the facts existing at the time of the injury.

(b) If the deceased employee leaves dependents only partially dependent upon his earnings for support at the time of the injury causing his death, the monthly compensation to be paid must be equal to the same proportion of the monthly payments for the benefit of persons totally dependent as the amount contributed by the deceased employee to the partial dependents bears to the average monthly wage of the deceased employee at the time of the injury resulting in his death.

(c) The duration of compensation to partial dependents must be fixed in accordance with the facts shown, but may not exceed compensation for 100 months.

9. Compensation payable to a surviving spouse is for the use and benefit of the surviving spouse and the dependent children, and the insurer may, from time to time, apportion such compensation between them in such a way as it deems best for the interest of all dependents.

10. In the event of the death of any dependent specified in this section before the expiration of the time during which compensation is payable to him, funeral expenses are payable in an amount not to exceed $5,000.

11. *If a dependent is entitled to receive a death benefit pursuant to this section and is less than 18 years of age or incompetent, the legal representative of the dependent shall petition for a guardian to be appointed for that dependent pursuant to NRS 159.044. An insurer shall not pay any compensation in excess of $3,000, other than burial expenses, to the dependent until a guardian is appointed and legally qualified. Upon receipt of a certified letter of guardianship, the insurer shall make all payments required by this section to the guardian of the dependent until the dependent is emancipated, the guardianship terminates or the dependent reaches the age of 18, whichever occurs first, unless paragraph (a) of subsection 12 is applicable. The fees and costs related to the guardianship must be paid from the estate of the dependent. A guardianship established pursuant to this subsection must be administered in accordance with chapter 159 of NRS, except that after the first annual review required pursuant to NRS 159.176, a court may elect not to review the guardianship annually. The court shall review the guardianship at least once every 3 years. As used in this subsection, "incompetent" has the meaning ascribed to it in NRS 159.019.*

12. Except as otherwise provided in paragraphs (a) and (b), the entitlement of any child to receive his proportionate share of compensation pursuant to this section ceases when he dies, marries or reaches the age of 18 years. A child is entitled to continue to receive compensation pursuant to this section if he is:

(a) Over 18 years of age and incapable of [self-support,] *supporting himself,* until such time as he becomes capable of [self-support;] *supporting himself;* or

(b) Over 18 years of age and enrolled as a full-time student in an accredited vocational or educational institution, until he reaches the age of 22 years.

13. As used in this section, "surviving spouse" means a surviving husband or wife who was married to the employee at the time of the employee's death.

Sec. 199. NRS 616.617 is hereby amended to read as follows:

616.617 1. If an injured employee is eligible for vocational rehabilitation services pursuant to [subsection 3 of] NRS 616.222, the insurer and the injured employee may execute a written agreement providing for the payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services.

2. If the insurer and the injured employee execute an agreement pursuant to subsection 1, the acceptance of the payment of compensation in a lump sum by the injured employee extinguishes his right to receive vocational

rehabilitation services under his claim. *Except as otherwise required by federal law, an injured employee shall not receive vocational rehabilitation services from any state agency after he accepts payment of compensation in a lump sum pursuant to this section.*

3. Before executing an agreement pursuant to subsection 1, an insurer [must:] *shall:*

(a) Order an assessment of and counseling concerning the vocational skills of the injured employee [;] , *unless the provisions of section 21.9 of this act are applicable;*

(b) Consult with the employer of the injured employee; [and]

(c) Provide a written notice to the injured employee that contains the following statements:

(1) That the injured employee is urged to seek assistance and advice from the Nevada attorney for injured workers or to consult with a private attorney before signing the agreement.

(2) That the injured employee may rescind the agreement within 20 days after he signs it.

(3) That the 20-day period pursuant to subparagraph (2) may not be waived.

(4) That acceptance by the injured employee of payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services extinguishes his right to receive such services.

4. No payment of compensation in a lump sum may be made pursuant to this section until the 20-day period provided for the rescission of the agreement has expired.

Sec. 199.5. NRS 616.620 is hereby amended to read as follows:

616.620 Except as otherwise provided by NRS 616.5435, 616.607, 616.615 and 616.617, *and section 21.9 of this act,* the insurer shall not make or allow any lump-sum settlements.

Sec. 200. NRS 616.625 is hereby amended to read as follows:

616.625 *1.* Except as otherwise provided by specific statute, the amount of compensation and benefits and the person or persons entitled thereto must be determined as of the date of the accident or injury to the employee, and their rights thereto become fixed as of that date.

2. *If the employee incurs a subsequent injury or disability that primarily arises from a previous accident or injury that arose out of and in the course of his employment, the date of the previous accident or injury must be used to determine the amount of compensation and benefits to which the claimant is entitled.*

Sec. 200.5. NRS 616.6283 is hereby amended to read as follows:

616.6283 1. Each person who is receiving or is entitled to receive compensation for a permanent total disability pursuant to NRS 616.580 or a death benefit pursuant to NRS 616.615 for an industrial injury or occupational disease which occurred before July 1, [1975,] *1980,* is entitled to receive compensation of not less than [$400] *$600* each month.

2. A self-insured employer shall provide for the increase in monthly compensation required by subsection 1 for each person who would be entitled to receive the increase if the provisions of this section were applicable to the employer.

3. A person who is entitled to receive an increase in his monthly compensation pursuant to subsection 1 is not required to accept that increase.

4. The administrator shall adopt regulations to carry out the provisions of this section.

Sec. 201. NRS 616.6283 is hereby amended to read as follows:

616.6283 1. Each person who is receiving or is entitled to receive compensation for a permanent total disability pursuant to NRS 616.580 or a death benefit pursuant to NRS 616.615 for an industrial injury or occupational disease which occurred before July 1, 1980, is entitled to receive compensation of not less than $600 each month.

2. A self-insured employer *or an association of self-insured public or private employers* shall provide for the increase in monthly compensation required by subsection 1 for each person who would be entitled to receive the increase if the provisions of this section were applicable to the employer [.] *or association.*

3. A person who is entitled to receive an increase in his monthly compensation pursuant to subsection 1 is not required to accept that increase.

4. The administrator shall adopt regulations to carry out the provisions of this section.

Sec. 201.5. NRS 616.630 is hereby amended to read as follows:

616.630 1. *If the manager finds that an employer within the provisions of NRS 616.285 has failed to provide and secure compensation as required by the terms of this chapter, he shall make a determination thereon and charge the employer an amount equal to three times the premiums that would otherwise have been owed to the system pursuant to the terms of this chapter for the period that the employer was doing business in this state without providing or securing compensation, but not to exceed 6 years.*

2. *The manager shall mail a copy of his determination to the employer. An employer who is aggrieved by the manager's determination may appeal from the determination pursuant to subsection 2 of NRS 616.635.*

3. Any employer within the provisions of NRS 616.285 who fails to provide and secure compensation as required by the terms of this chapter, is:

(a) For the first offense, guilty of a misdemeanor.

(b) For a second or subsequent offense committed within 7 years after the previous offense, guilty of a gross misdemeanor.

[2. If the administrator or interested employee complains to the district attorney of any county that an employer in his county has violated the

provisions of this section, the district attorney shall investigate the complaint. If, after investigation, the district attorney determines that a violation of this section may be proven beyond a reasonable doubt, he shall prosecute the employer for the offense regardless of whether a civil penalty is imposed or may be imposed.

3. If the administrator or interested employee complains to the attorney general of any neglect of any district attorney in the performance of his duties pursuant to subsection 2, the attorney general shall investigate the complaint. If, after investigation, the attorney general determines that:

(a) A violation of this section may be proven beyond a reasonable doubt, he shall prosecute the employer for the offense regardless of whether a civil penalty is imposed or may be imposed.

(b) The district attorney has neglected to perform his duties pursuant to subsection 2, he shall forthwith institute proceedings against the district attorney as for a misdemeanor or to remove him from office.

4. The duty of the district attorney and of the attorney general must be enforced as to procedure in the same manner as is provided in the case of actions for the protection and benefit of employees as provided in NRS 607.160 and 607.200.]

Any criminal penalty imposed must be in addition to the amount charged pursuant to subsection 1.

Sec. 202. NRS 616.635 is hereby amended to read as follows:

616.635 1. If the manager finds that any employer or any employee, officer or agent of any employer has [willfully] *knowingly* made a false statement or has [willfully] *knowingly* failed to report a material fact concerning the amount of payroll upon which a premium is based, he shall make a determination thereon and charge the employer's account an amount equal to three times the amount of the premium due. The manager shall mail a copy of his determination to the employer.

2. An employer who is aggrieved by the manager's determination may appeal from the determination by filing a request for a hearing. The request must be filed within 30 days after the date on which a copy of the determination was mailed to the employer. The manager shall hold a hearing within 30 days after he receives the request. The determination of the manager made pursuant to a hearing is a final decision for the purposes of judicial review.

3. A person who [willfully] *knowingly* makes a false statement or representation or who [willfully] *knowingly* fails to report a material fact concerning the amount of payroll upon which a premium is based is guilty of a gross misdemeanor. Any criminal penalty imposed must be in addition to the amount charged pursuant to subsection 1.

Sec. 203. NRS 616.640 is hereby amended to read as follows:

616.640 1. [It is unlawful for an employer to make] *Any employer who makes* any charge against any employee or [to deduct] *who deducts* from the wages of any employee any sum of money to meet the costs, in whole or in part, of the liability incurred by the employer by reason of his acceptance or rejection of this chapter [.] *is guilty of a gross misdemeanor.*

2. *An employer who is required to provide compensation pursuant to the provisions of this chapter or chapter 617 of NRS and who requires an employee to provide or secure such compensation on his own behalf is guilty of a gross misdemeanor.*

3. Any employer violating *any provision of* this section [shall] *must* be prosecuted *by the attorney general* upon complaint of any employee who submits proper evidence of a violation.

Sec. 204. NRS 616.647 is hereby amended to read as follows:

616.647 1. [If] *Except as otherwise provided in subsection 2, if* the administrator [has reason to believe] *determines* that an insurer, *organization for managed care,* health care provider, third-party administrator or employer has:

(a) Induced a claimant for compensation to fail to report an accidental injury or occupational disease;

(b) Persuaded a claimant to settle for an amount which is less than reasonable;

(c) Persuaded a claimant to settle for an amount which is less than reasonable while a hearing or an appeal is pending;

(d) Persuaded a claimant to accept less than the compensation found to be due him by a hearing officer or appeals officer;

(e) Refused to pay or unreasonably delayed payment to a claimant of compensation found to be due him by a hearing officer or appeals officer;

(f) Made it necessary for a claimant to resort to proceedings against the employer or insurer for compensation found to be due him by a hearing officer or appeals officer;

(g) [Failed to comply with regulations of the department for the acceptance and rejection of claims, determination and calculation of a claimant's average monthly wage, determination and payment of compensation, delivery of accident benefits and reporting relating to these matters;

(h)] Failed to comply with the department's regulations covering the payment of an assessment relating to the funding of costs of administration of this chapter and chapter 617 of NRS; or

[(i) Failed]

(h) Intentionally or repeatedly failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 617 of NRS,

the administrator shall [set a date for a hearing. The date must be no sooner than 30 days after notice is served upon the insurer or employer of the alleged action and the time and place of the hearing.

2. If, after an evidentiary hearing, the administrator determines that the insurer or employer has committed the alleged act, the administrator shall issue a notice of violation imposing a proposed] *impose an* administrative fine of [:

(a) Not] *not* more than $250 for each initial violation [of subsection 1] which was not intentional [; or

(b) Not] *, or a fine of not* more than $1,000 for each intentional or repeated violation . [of subsection 1.

3.] *2.* In addition to any fine imposed pursuant to subsection [2,] *1,* the administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures used to calculate an assessment an administrative penalty of up to twice the amount of any underpaid assessment.

[4. If a person wishes to contest a notice of violation issued pursuant to subsection 2, he must file a notice of appeal with the division within 30 days after the notice is issued, showing why the proposed fine should not be imposed against him.

5. If a notice of appeal is filed as required by subsection 4, the administrator shall issue a complaint setting forth the factual basis for his determination that a violation has occurred. The person against whom a complaint is issued shall file an answer to the complaint within 30 days after the complaint is issued. The answer must be accompanied by any documentary evidence upon which the person relies and, if the person desires a hearing on the matter, by a request for hearing. If an answer and a request for hearing are filed as required by this subsection, the administrator shall set a date for a hearing on the matter, which must be no sooner than 30 days after the answer and request for hearing are filed.

6. If a notice of appeal or an answer is not filed as required by this section, the notice of violation shall be deemed a final order and is not subject to review by any court or agency.

7. A hearing held pursuant to this section must be conducted by the administrator or a person designated by him. A record of the hearing must be kept but it need not be transcribed unless it is requested by the person against whom the order or notice of violation has been issued and that person pays the cost of transcription.

8. An administrative fine imposed pursuant to this section must be paid to the division. If the violation for which the fine is levied was committed by a person while acting within the course and scope or his agency or employment, the fine must be paid by his principal or employer. The fine may be recovered in a civil action brought in the name of the division in a court of competent jurisdiction in the county in which the violation occurred or in which the person against whom the fine is levied has his principal place of business.

9.]

3. If the administrator determines that a person has violated any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act, the administrator shall impose an administrative fine of not more than $10,000.

4. Two or more fines of $1,000 [levied by the administrator] *imposed* in 1 year for acts enumerated in subsection 1 must be considered by the commissioner as evidence for the revocation of a certificate of self-insurance.

[10.] *5.* The commissioner may withdraw the certification of a self-insured employer if, after a hearing, it is shown that the self-insured employer [:

(a) Intentionally or repeatedly violated the provisions of paragraph (g) of subsection 1; or

(b) Violated any other] *violated any* provision of subsection 1.

Sec. 205. NRS 616.647 is hereby amended to read as follows:

616.647 1. Except as otherwise provided in subsection 2, if the administrator determines that an insurer, organization for managed care, health care provider, third-party administrator or employer has:

(a) Induced a claimant for compensation to fail to report an accidental injury or occupational disease;

(b) Persuaded a claimant to settle for an amount which is less than reasonable;

(c) Persuaded a claimant to settle for an amount which is less than reasonable while a hearing or an appeal is pending;

(d) Persuaded a claimant to accept less than the compensation to which he is entitled;

(e) Refused to pay or unreasonably delayed payment to a claimant of compensation to which he is entitled;

(f) Made it necessary for a claimant to resort to proceedings against the employer or insurer for compensation to which he is entitled;

(g) Failed to comply with the department's regulations covering the payment of an assessment relating to the funding of costs of administration of this chapter and chapter 617 of NRS; or

(h) Intentionally or repeatedly failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 617 of NRS,

the administrator shall impose an administrative fine of not more than $250 for each initial violation which was not intentional, or a fine of not more than $1,000 for each intentional or repeated violation.

2. In addition to any fine imposed pursuant to subsection 1, the administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures used to calculate an assessment an administrative penalty of up to twice the amount of any underpaid assessment.

3. If the administrator determines that a person has violated any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act, the administrator shall impose an administrative fine of not more than $10,000.

4. Two or more fines of $1,000 imposed in 1 year for acts enumerated in subsection 1 must be considered by the commissioner as evidence for the [revocation] *withdrawal* of a certificate of self-insurance [.] *to act as a self-insured employer or an association of self-insured public or private employers.*

5. The commissioner may withdraw the certification of a self-insured employer *or an association of self-insured public or private employers* if, after a hearing, it is shown that the self-insured employer *or association* violated any provision of subsection 1.

Sec. 206. NRS 616.675 is hereby amended to read as follows:

616.675 [1. Any] *Unless a different penalty is provided pursuant to sections 54 to 57, inclusive, or section 60 of this act, any* person who [willfully] *knowingly* makes a false statement or representation *or who knowingly conceals a material fact* to obtain *or attempt to obtain* any benefit *, including a controlled substance,* or payment under the provisions of this chapter, either for himself or for any other person, [is guilty of a gross misdemeanor.

2. If a claimant is convicted of violating the provisions of subsection 1, he:

(a) Forfeits all right to compensation under this chapter after conviction for the offense; and

(b) Is liable for the reasonable costs incurred by the insurer to investigate and act upon the false claim, and for the payments or benefits fraudulently obtained.

3. The attorney general or the district attorney of the county in which the employer has a place of business or the defendant resides may prosecute all criminal actions for the violation of the provisions of subsection 1.

4. Upon request, a state agency shall furnish to the attorney general or a district attorney, information which would assist in the prosecution of a claimant alleged to have violated the provisions of subsection 1.] *shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.*

Sec. 206.5. NRS 616.690 is hereby amended to read as follows:

616.690 1. A [physician or chiropractor] *provider of health care* attending an injured employee shall not refer that employee to a health facility or service in which the [physician or chiropractor] *provider of health care, any person in a partnership with the provider of health care or any member of the immediate family of the provider of health care* has a financial interest, including an interest as a limited partner, unless [he first discloses that interest in writing to the injured employee and the insurer. Upon the request of an injured employee to whom such a disclosure is made, the physician or chiropractor shall provide the injured employee with a referral to a health facility or service in which the physician or chiropractor does not have a financial interest. The injured employee must not be penalized for refusing to use a health facility or service in which the physician or chiropractor has a financial interest, if the injured employee promptly notifies the insurer in writing of his objection to using the facility or service.] *:*

(a) The service required by the injured employee is not otherwise available within a 30-mile radius of the office of the provider of health care;

(b) The service is provided pursuant to a referral to a provider of health care who is participating in the health care plan of a health maintenance organization that has been issued a certificate of authority pursuant to chapter 695C of NRS and is authorized to provide health care services to an injured employee;

(c) The provider of health care is a member of a group practice and the referral is made to that group practice;

(d) The referral is made to a surgical center for ambulatory patients, as defined in NRS 449.019, that is licensed pursuant to chapter 449 of NRS; or

(e) The financial interest represents an investment in securities under the Securities Exchange Act of 1934 (15 U.S.C. §§ 78a et seq.) in a corporation that has shareholder equity of more than $100,000,000.

2. As used in this section [, "health] *:*

(a) "Group practice" means two or more providers of health care who have organized as a business entity in accordance with the laws of this state to provide health care services, if:

(1) Each member of the group practice provides substantially all of the health care services he routinely provides, including without limitation, medical care, consultations, diagnoses and treatment, through the joint use of shared offices, facilities, equipment and personnel;

(2) Substantially all of the health care services provided by the members of the group practice are provided through the group practice, the billings for those services are issued in the name of the group practice and the compensation received for those services is treated as being received by the group practice;

(3) No member of the group practice receives compensation based on the volume or value of the patients referred to the group practice by that member; and

(4) All health care services offered by the group practice are provided within the confines of a central building or group of buildings that are located on one parcel of land.

(b) "Health facility" means any facility in or through which services related to the care and observation of patients, the diagnosis of human diseases, the treatment and rehabilitation of patients or other related services are provided. The term includes any parent, affiliate, subsidiary or partner of such a facility and any other entity which has a primary purpose of providing a benefit to such a facility.

(c) "Member of the immediate family" means a grandparent, parent, stepparent, spouse, brother, sister, half brother, half sister, natural born child, adopted child, stepchild or grandchild.

(d) "Partnership" has the meaning ascribed to it in NRS 87.060. The term includes a partnership which is not related to the practice of a provider of health care.

Sec. 207. NRS 616.700 is hereby amended to read as follows:

616.700 Any person who [willfully] *knowingly* makes a false statement or representation concerning the employment of any person who is receiving benefits pursuant to this chapter [is guilty of a gross misdemeanor.] *shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.*

Sec. 208. Chapter 617 of NRS is hereby amended by adding thereto the provisions set forth as sections 209 to 222, inclusive, of this act.

Sec. 209. *1. An employee is entitled to receive as a medical benefit a motor vehicle that is modified to allow the employee to operate the vehicle safely if:*

(a) As a result of an occupational disease arising out of and in the course of his employment, he is quadriplegic, paraplegic or has had a part of his body amputated; and

(b) He cannot be fitted with a prosthetic device which allows him to operate a motor vehicle safely.

2. If an employee is entitled to receive a motor vehicle pursuant to subsection 1, a motor vehicle must be modified to allow the employee to operate it safely in the following order of preference:

(a) A motor vehicle owned by the employee must be so modified if the insurer or employer providing medical benefits determines that it is reasonably feasible to do so.

(b) A used motor vehicle must be so modified if the insurer or employer providing medical benefits determines that it is reasonably feasible to do so.

(c) A new motor vehicle must be so modified.

Sec. 210. *1. An insurer shall not provide compensation to or for an employee or his dependents before the compensation is required to be paid pursuant to the provisions of this chapter.*

2. If, within 30 days after a payment is made to an injured employee pursuant to the provisions of this chapter, the insurer determines that it has overpaid the employee as a result of a clerical error in its calculation of the amount of payment or as a result of using improper or incorrect information to determine the employee's eligibility for compensation or to calculate the amount of payment, the insurer may deduct the amount of the overpayment from future benefits related to that claim to which the employee is entitled, other than medical benefits, if:

(a) The insurer notifies the employee in writing of its determination;

(b) The insurer informs the employee of his right to contest the deduction; and

(c) The employee fails to contest the deduction or does so and upon final resolution of the contested deduction, it is determined that an overpayment was made.

3. Any deductions made pursuant to subsection 2 must be made in a reasonable manner which does not cause undue hardship to the employee.

Sec. 211. *If, after a claim for compensation is filed pursuant to section 218 of this act:*

1. The employee seeks treatment from a physician or chiropractor for a newly developed injury or disease; and

2. The employee's medical records for the occupational disease reported do not include a reference to the injury or disease for which treatment is being sought,

the injury or disease for which treatment is being sought must not be considered part of the employee's original claim for compensation unless the

physician or chiropractor establishes by medical evidence a causal relationship between the injury and disease for which treatment is being sought and the occupational disease reported pursuant to section 218 of this act.

Sec. 212. *1. An employee is not entitled to compensation pursuant to the provisions of this chapter if:*

(a) He has a preexisting condition from a cause or origin that did not arise out of and in the course of his current or past employment; and

(b) He subsequently contracts an occupational disease which aggravates, precipitates or accelerates his preexisting condition,

unless the occupational disease is the primary cause of the resulting disability.

2. An employee is not entitled to compensation pursuant to the provisions of this chapter if:

(a) He contracts an occupational disease; and

(b) He subsequently aggravates, precipitates or accelerates the occupational disease in a manner that does not arise out of and in the course of his employment,

unless the occupational disease is the primary cause of the resulting disability.

Sec. 213. *A dependent of an employee may not file a claim for compensation for an occupational disease pursuant to the provisions of this chapter if:*

1. The time for filing the claim has expired pursuant to section 218.5 of this act; or

2. The employee or another dependent filed a claim for compensation for that occupational disease, the claim was denied and the denial has become final pursuant to the regulations adopted pursuant to NRS 617.165 or in an action for judicial review filed pursuant to NRS 617.405.

Sec. 214. *1. An association that is certified as an association of self-insured public or private employers directly assumes the responsibility for providing compensation due the employees of the members of the association and their beneficiaries under this chapter.*

2. An association is not required to pay the contributions required of employers by NRS 617.310.

3. The claims of employees and their beneficiaries resulting from occupational diseases while in the employment of a member of an association must be handled in the manner provided by this chapter, and the association is subject to the regulations of the department with respect thereto.

4. The security deposited pursuant to section 26 of this act does not relieve the association from responsibility for the administration of claims and payment of compensation under this chapter.

5. An association of self-insured public or private employers qualifying under the provisions of this chapter must comply with the provisions of section 26 of this act.

Sec. 215. (Omitted in amendment.)

Sec. 216. *Except as otherwise provided in NRS 617.270, no penalty or remedy provided in this chapter is exclusive of any other penalty or remedy,*

but is cumulative and in addition to every other penalty or remedy and may be exercised without exhausting and without regard to any other penalty or remedy provided by this chapter or any other statute.

Sec. 217. *1. An employee or, in the event of the employee's death, one of his dependents, shall provide written notice of an occupational disease for which compensation is payable under this chapter to the employer of the employee as soon as practicable, but within 30 days after the employee or dependent has knowledge of the disability and its relationship to the employee's employment.*

2. The notice required by subsection 1 must:

(a) Be on a form prescribed by the administrator. The form must allow the employee or his dependent to describe briefly the circumstances which caused the disease or death.

(b) Be signed by the employee or by a person on his behalf, or in the event of the employee's death, by one of his dependents or by a person acting on behalf of the dependent.

(c) Include an explanation of the procedure for filing a claim for compensation.

(d) Be prepared in duplicate so that the employee or his dependent and the employer can retain a copy of the notice.

3. Upon receipt of the notice required by subsection 1, the employer, the employee's supervisor or the agent of the employer who was in charge of the type of work performed by the employee shall sign the notice. The signature of the employer, the supervisor or the employer's agent is an acknowledgment of the receipt of the notice and shall not be deemed to be a waiver of any of the employer's defenses or rights.

4. An employer shall maintain a sufficient supply of the forms required to file the notice required by subsection 1 for use by his employees.

5. An employer shall retain any notice provided pursuant to subsection 1 for 3 years after the date of the receipt of the notice. An employer insured by the system shall not file a notice of injury with the system.

Sec. 218. *1. Except as otherwise provided in subsection 2, an employee who has incurred an occupational disease, or a person acting on his behalf, shall file a claim for compensation with the insurer within 90 days after the employee has knowledge of the disability and its relationship to his employment.*

2. In the event of the death of the employee resulting from the occupational disease, a dependent of the employee, or a person acting on his behalf, shall file a claim for compensation with the insurer within 1 year after the death of the employee.

3. The claim for compensation must be filed on a form prescribed by the administrator.

Sec. 218.5. *1. Except as otherwise provided in subsection 2, an employee or, in the event of the death of the employee, his dependent, is barred from recovering compensation pursuant to the provisions of this*

chapter if he fails to file a notice of an occupational disease pursuant to section 217 of this act or a claim for compensation pursuant to section 218 of this act.

2. An insurer may excuse the failure to file a notice of an occupational disease or claim for compensation pursuant to the provisions of this section if:

(a) The employee's disease or another cause beyond his control prevented him from providing the notice or the claim;

(b) The failure was caused by the employee's or dependent's mistake or ignorance of fact or of law;

(c) The failure was caused by the physical or mental inability of the employee or the dependent; or

(d) The failure was caused by fraud, misrepresentation or deceit.

Sec. 219. *1. A treating physician or chiropractor shall, within 3 working days after he first treats an employee who has incurred an occupational disease, complete and mail to the employer of the employee and to the employer's insurer, a claim for compensation. If the employer is a self-insured employer, the treating physician or chiropractor shall mail the claim for compensation to the employer's third-party administrator.*

2. A claim for compensation required by subsection 1 must be on a form prescribed by the administrator.

3. If a claim for compensation is accompanied by a certificate of disability, the certificate must include a description of any limitation or restrictions on the employee's ability to work.

4. Each physician, chiropractor and medical facility that treats employees who have incurred occupational diseases, each insurer, third-party administrator and employer, and the division and department shall maintain at their offices a sufficient supply of the forms prescribed by the administrator for filing a claim for compensation.

5. The administrator shall impose an administrative fine of not more than $1,000 against a physician or chiropractor for each violation of subsection 1.

Sec. 220. *1. Within 6 working days after the receipt of a claim for compensation from a physician or chiropractor, an employer shall complete and mail to his insurer or third-party administrator an employer's report of industrial injury or occupational disease.*

2. The report must:

(a) Be on a form prescribed by the administrator;

(b) Be signed by the employer or his designee;

(c) Contain specific answers to all questions required by the regulations of the department; and

(d) Be accompanied by a statement of the wages of the employee if the claim for compensation received from the treating physician or chiropractor indicates that the employee is expected to be off work for 5 days or more.

3. An employee of the system shall not complete the report required by subsection 1 or any other form relating to the occupational disease on behalf of the employer unless the employer:

(a) Is not in business;

(b) Has not been located by the system within 5 working days after receipt of a claim for compensation; or

(c) Refuses to complete the report.

4. The administrator shall impose an administrative fine of not more than $1,000 against an employer for each violation of this section.

Sec. 221. *An insurer shall accept or deny responsibility for compensation under this chapter within 30 working days after claims for compensation are received pursuant to both sections 218 and 219 of this act.*

Sec. 222. *1. An employee or his dependents are not entitled to receive compensation pursuant to the provisions of this chapter unless the employee or his dependents establish by a preponderance of the evidence that the employee's occupational disease arose out of and in the course of his employment.*

2. If the employee files a notice of an occupational disease pursuant to section 217 of this act after his employment has been terminated for any reason, there is a rebuttable presumption that the occupational disease did not arise out of and in the course of his employment.

Sec. 223. NRS 617.130 is hereby amended to read as follows:

617.130 *1.* "Medical benefits" [shall be construed to mean] *means* medical, surgical, hospital or other treatments, nursing, medicine, medical and surgical supplies, crutches and apparatus, including [artificial member.] *prosthetic devices.*

2. The term does not include:

(a) Exercise equipment, a hot tub or a spa for an employee's home;

(b) Membership in an athletic or health club;

(c) Except as otherwise provided in section 209 of this act, a motor vehicle; or

(d) The costs of operating a motor vehicle provided pursuant to section 209 of this act, fees related to the operation or licensing of the motor vehicle or insurance for the motor vehicle.

Sec. 224. NRS 617.275 is hereby amended to read as follows:

617.275 1. [If an employee who has been hired or who is regularly employed in this state contracts an occupational disease arising out of and in the course of his employment, and his employer has failed to provide mandatory coverage for occupational diseases, the] *An* employee may [elect to] receive compensation from the uninsured employers' claim fund [by:

(a) Filing a] *if:*

(a) He was hired in this state or he is regularly employed in this state;

(b) He contracts an occupational disease as a result of work performed in this state;

(c) He files a claim for compensation with the system [;

(b) Filing] *pursuant to section 218 of this act;*

(d) He files a written notice [of his election] with the division; and

[(c) Making]

(e) He makes an irrevocable assignment to the division of [his right of action against the uninsured employer.] *a right to be subrogated to the rights of the employee pursuant to NRS 616.560.*

2. If the system receives a claim pursuant to subsection 1, the system shall immediately:

(a) Notify the employer of the claim;

(b) Deliver to the claimant any forms necessary to make a claim pursuant to this section; and

(c) Notify the division of the claim by sending a copy of the claim, any evidence regarding the claim and any evidence indicating that the employer was uninsured.

3. For the purposes of this section, the employer has the burden of proving that he provided mandatory coverage for occupational diseases for the employee [.] *or that he was not required to maintain industrial insurance for the employee.*

4. Any employer who has failed to provide mandatory coverage required by the provisions of this chapter is liable for all payments made on his behalf, including, but not limited to, any benefits, administrative costs or attorney's fees paid from the uninsured employers' claim fund or incurred by the division or department.

5. The division:

(a) May recover from the employer the payments *made by the division or department that are* described in subsection 4 and any accrued interest by bringing a civil action in district court.

(b) In any civil action brought against the employer, is not required to prove that negligent conduct by the employer was the cause of the occupational disease.

(c) May enter into a contract with any person to assist in the collection of any liability of an uninsured employer.

(d) In lieu of a civil action, may enter into an agreement or settlement regarding the collection of any liability of an uninsured employer.

6. The division shall [determine] *:*

(a) Determine whether the employer was insured within 30 days after receiving notice of the claim from the employee. [Upon determining that a claim is valid, the division shall assign]

(b) Assign the claim to the system for administration of the claim, payment of benefits and reimbursement of costs of administration and benefits paid to the system.

Upon determining that a claim is invalid, the [division] *system* shall notify the claimant, the named employer and the [system] *division* that the claim will not be assigned for benefits from the uninsured employers' claim fund.

7. Any party aggrieved by a decision regarding the administration of an assigned claim or a decision made by the division or by the system regarding any claim made pursuant to this section may appeal that decision within 60 days after the decision is rendered to the hearings division of the department of administration in the manner provided by NRS 616.5412 to 616.544, inclusive [.] *, and section 79 of this act.*

8. All insurers shall bear a proportionate amount of a claim made pursuant to this chapter, and are entitled to a proportionate amount of any collection made pursuant to this section as an offset against future liabilities.

9. An uninsured employer is liable for the interest on any amount paid on his claims from the uninsured employers' claim fund. The interest must be calculated at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the commissioner of financial institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the claim, plus 3 percent, compounded monthly, from the date the claim is paid from the fund until payment is received by the division from the employer.

10. Attorney's fees recoverable by the division pursuant to this section must be:

(a) If a private attorney is retained by the department, paid at the usual and customary rate for that attorney.

(b) If the attorney is an employee of the department, paid at the rate established by regulations adopted by the department.

Any money collected must be deposited to the uninsured employers' claim fund.

11. In addition to any other liabilities provided for in this section, the administrator may impose an administrative fine of not more than $10,000 against an employer if the employer fails to provide mandatory coverage required by the provisions of this chapter.

Sec. 225. (Omitted in amendment.)

Sec. 226. NRS 617.310 is hereby amended to read as follows:

617.310 Except for a self-insured employer [,] *or an employer who is a member of an association of self-insured public or private employers,* every employer within the provisions of this chapter and every employer electing to be governed by the provisions of this chapter, before becoming entitled to the benefits of this chapter in the providing and securing of compensation to his employees, shall pay to the system, for the occupational diseases fund and the medical benefits fund, in the manner and at the times prescribed for the payment of premiums in chapter 616 of NRS, premiums in amounts fixed by the manager.

Sec. 227. NRS 617.370 is hereby amended to read as follows:

617.370 1. Any employee who is entitled to receive compensation under this chapter shall, if:

(a) Requested by the insurer; or

(b) Ordered by an appeals officer, or a hearing officer,

submit himself for medical examination at a time and from time to time at a place reasonably convenient for the employee, and as may be provided by the regulations of the department.

2. *If the insurer has reasonable cause to believe that an injured employee who is receiving compensation for a permanent total disability is no longer disabled, the insurer may request the employee to submit to an annual medical examination to determine whether the disability still exists. The insurer shall pay the costs of the examination.*

3. The request or order for [the] *an* examination must fix a time and place therefor, due regard being had to the nature of the medical examination, the convenience of the employee, his physical condition and ability to attend at the time and place fixed.

[3.] *4.* The employee is entitled to have a physician, provided and paid for by him, present at any such examination.

[4.] *5.* If the employee refuses to submit to [any such] *an* examination *ordered or requested pursuant to subsection 1 or 2* or obstructs [it,] *the examination,* his right to compensation is suspended until the examination has taken place, and no compensation is payable during or for the period of suspension.

[5.] *6.* Any physician who makes or is present at any such examination may be required to testify as to the result thereof.

Sec. 228. NRS 617.400 is hereby amended to read as follows:

617.400 1. No compensation [shall] *may* be awarded on account of disability or death from a disease suffered by an employee who, at the time of entering into the employment from which the disease is claimed to have resulted, [shall have willfully] *knowingly* and falsely represented himself as not having previously suffered from [such] *the* disease.

2. No compensation [shall be] *is* payable under this chapter when disability or death is wholly or in part caused by the willful misconduct or willful self-exposure of the employee.

Sec. 229. NRS 617.402 is hereby amended to read as follows:

617.402 1. If an insurer determines that an employee has [willfully] *knowingly* misrepresented or concealed a material fact to obtain any benefit or payment under the provisions of this chapter, the insurer may deduct from any benefits or payments due to the employee, the amount obtained by the employee because of the misrepresentation or concealment of a material fact. The employee shall reimburse the insurer for all benefits or payments received because of the [willful] *knowing* misrepresentation or concealment of a material fact.

2. An employee who is aggrieved by a determination of an insurer made pursuant to subsection 1 may appeal that determination pursuant to NRS 616.5412 to 616.544, inclusive. If the final decision by an appeals officer is favorable to the employee, the administrator shall order the insurer to pay $2,000 to that employee, in addition to any benefits or payments the employee is entitled to receive [.] , *if:*

(a) The final decision is favorable to the employee; and

(b) The administrator determines that the insurer had no reasonable basis for believing that the employee knowingly misrepresented or concealed a material fact to obtain any benefit or payment.

3. This section does not preclude an insurer from making an investigation pursuant to, or pursuing the remedies provided by, NRS 616.675.

Sec. 230. NRS 617.405 is hereby amended to read as follows:

617.405 1. No judicial proceedings may be instituted for benefits for an occupational disease under this chapter, unless:

(a) A claim is filed within the time limits prescribed in [NRS 617.330;] *section 218 of this act;* and

(b) A final decision by an appeals officer has been rendered on the claim.

2. Judicial proceedings instituted for benefits for an occupational disease under this chapter are limited to judicial review of that decision.

Sec. 231. NRS 617.410 is hereby amended to read as follows:

617.410 Compensation for disability sustained on account of occupational disease by an employee, or the dependents of [such] *an* employee as defined in this chapter, must be paid from the occupational diseases fund or , if the employee is employed by a self-insured employer [,] *or an employer who is a member of an association of self-insured public or private employers,* then by the employer [.] *or the association.*

Sec. 232. NRS 617.450 is hereby amended to read as follows:

617.450 [The] *Except as otherwise provided in section 212 of this act, the* following diseases, as well as other occupational diseases defined in NRS 617.440, [shall be] *are* considered occupational diseases and [shall be] *are* compensable as such when contracted by an employee and when arising out of and in the course of the employment in any process described in this section.

SCHEDULE

Description of Disease or Injury	Description of Process
Anthrax	Handling of livestock wool, hair, bristles, hides and skins.
Arsenic poisoning	Any process involving the production or use of arsenic or its preparations or compounds.
Brass or zinc poisoning	Any process involving the manufacture, founding or refining of brass or the melting or smelting of zinc.
Carbon monoxide poisoning	Any process involving the evolution of or resulting in the escape of carbon monoxide.
Chrome ulceration of skin or nasal passages	Any process involving the production or use of or direct contact with chromic acid or bichromates of ammonium, potassium or sodium or their preparations.
Compressed air illness	Any work process carried on in compressed air.
Epithelioma cancer or ulceration of the skin or of the corneal surface of the eye due to carbon, pitch, tar or tarry compounds production	Handling or industrial use of carbon, pitch or tarry compounds.

Glanders	Care of any equine animal suffering from glanders; handling carcass of such animal.
Infection or inflammation of the skin on contact surfaces due to oils, cutting compounds or lubricants, dusts, liquids, fumes, gases or vapors	Any process involving the production, handling or use of oils, cutting compounds or lubricants, or involving contact with dust, liquids, fumes, gases or vapors.
Lead poisoning	Any process involving the production or use of lead or its preparations or compounds.
Manganese dioxide poisoning	Any process involving the grinding or milling of manganese dioxide or the escape of manganese dioxide dust.
Mercury poisoning	Any process involving the production or use of mercury or its preparations or compounds.
Phosphorus poisoning	Any process involving the production or use of phosphorus, or its preparations or compounds.
Poisoning by carbon bisulfide	Any process involving the production or use of carbon bisulfide or its preparations or compounds.
Poisoning by chlorine	Any process involving the production or use of chlorine or its preparations or compounds.
Poisoning by flour, burned grease, bakery and kitchen fumes and other food products	Any process involving the production of or the use of flours for baking purposes, greases used in cooking, and other products used in cafes and bakeries, causing or tending to cause what is commonly called baker's disease, baker's asthma [,] or baker's tuberculosis.
Poisoning by gasoline, benzine, naphtha or other volatile petroleum products	Any process involving the production or use of gasoline, benzine, naphtha or other volatile petroleum products.

Poisoning by wood alcohol	Any process involving the production or use of wood alcohol or its preparations.
Potassium cyanide poisoning	Any process involving the production or use of or direct contact with potassium cyanide.
Radium poisoning or disability due to radioactive properties or substances, or to roentgen rays (X-rays), or to exposure to ionizing radiation	Any process involving the use of or direct contact with radium or a radioactive substance, or the use of or direct exposure to roentgen rays (X-rays) or ionizing radiation.
Sulfur dioxide poisoning	Any process in which sulfur dioxide gas is evolved by the expansion of liquid sulfur dioxide.
Tenosynovitis and prepatellar bursitis	Primary tenosynovitis characterized by a passive effusion or crepitus into the tendon sheath of the flexor or extensor muscles of the hand, due to frequently repetitive motions or vibrations, or prepatellar bursitis due to continued pressure.

Secs. 233 and 234. (Omitted in amendment.)

Sec. 235. NRS 617.460 is hereby amended to read as follows:

617.460 1. [Silicosis] *Except as otherwise provided in section 212 of this act, silicosis* and diseases related to asbestos are occupational diseases and are compensable as such when contracted by an employee and when arising out of and in the course of the employment.

2. Claims for compensation on account of silicosis or a disease related to asbestos are forever barred unless application is made to the insurer within 1 year after the date of disability or death and within 1 year after the claimant knew or should have known of the relationship between the disease and the employment.

3. Nothing in this chapter entitles an employee or his dependents to compensation, medical, hospital and nursing expenses or payment of funeral expenses for disability or death due to silicosis or a disease related to asbestos in the event of the failure or omission on the part of the employee truthfully to state, when seeking employment, the place, duration and nature of previous employment in answer to an inquiry made by the employer.

4. No compensation may be paid in case of silicosis or a disease related to asbestos unless the injured employee has been exposed to harmful quantities of silicon dioxide dust or fibers of asbestos for not less than 1 year in employment in this state covered by the insurer.

5. Compensation on account of silicosis or a disease related to asbestos is payable only in the event of a temporary or permanent disability, or death, in accordance with the provisions of chapter 616 of NRS. Except as *otherwise* provided in NRS 616.615, the insurer shall not allow the conversion of the compensation benefits provided for in this section into a lump-sum payment. Payment of benefits and compensation is limited to the claimant and his dependents.

6. Any claimant who has been disabled by silicosis or a disease related to asbestos before July 1, 1973, or his dependents, upon receiving the maximum sum payable, $14,250, to which they are entitled, is not entitled to compensation payments by the insurer, but is entitled to continue to receive the same amount of compensation from the account for pensions for silicosis, diseases related to asbestos and other disabilities.

Sec. 236. NRS 618.383 is hereby amended to read as follows:

618.383 1. An employer shall establish a written safety program [if he has a rate of occupational injury and illness that is in the highest 25 percent in this state for his standard industrial classification.] *and carry out the requirements of the program within 90 days after it is established.*

2. The written safety program must include:

(a) The establishment of a training program for employees concerning safety in the workplace, particularly in those areas where there have been recurring injuries.

(b) [The] *If an employer has more than 25 employees, the* establishment of a safety committee . [which includes, whenever possible, an equal number of] *The safety committee must include* representatives of employees . [and employers.] If the employees are represented by a labor organization, the representatives of employees must be selected by the employees and not appointed by the employer.

[(c) Training on identifying potential hazards in the workplace.

(d) The review and application of state and federal statutes, regulations and standards concerning occupational safety and health.

(e) A requirement for the periodic consultation of the employer with the division of enforcement for industrial safety and health of the department.]

3. A representative of employees while engaging in the business of a safety committee, including attendance at meetings, *authorized* inspections or any other activity of the committee, must be paid by his employer as if that employee were engaged in his usual work activities.

4. *The administrator of the division of enforcement for industrial safety and health of the department shall adopt regulations establishing the minimum requirements for a written safety program.*

5. The administrator of the division of preventative safety of the department shall develop and provide each employer with a written [manual which includes:

(a) Information concerning safety, health and emergencies in the workplace, and the establishment of a training program for employees with regard to those matters;

(b) A listing and description of safe work practices; and

(c) Guidelines for the establishment of a safety committee.

5. Any other employer may establish a written safety program and a safety committee.] *guide for establishing a written safety program.*

6. An employer who [has a rate of occupational injury and illness that is in the highest 25 percent in this state for his standard industrial classification, who employs 25 or more persons and who hires temporary employees shall hold a meeting and] *contracts with a temporary employment service shall* provide specialized training concerning safety for [those temporary] *the* employees *of the service* before they begin work at each site or as soon as possible thereafter.

7. The manager of the state industrial insurance system shall increase by [3] *not more than 15* percent the premium of any employer who violates the provisions of subsection 1, and shall transfer *3 percent of* any additional premium received by him pursuant to this subsection to the department for use by the division of preventative safety.

[8. The administrator of the division of enforcement for industrial safety and health may grant an exemption from any of the provisions of this section to an employer who has a rate of occupational injury and illness that is in the lowest 25 percent of all employers in this state.] *The manager shall use the remaining amount of any additional premium received to reduce the premiums of employers insured by the system. The manager shall adopt regulations to carry out the provisions of this subsection which result in the equitable reduction of premiums among those employers.*

Sec. 237. Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The attorney general has primary jurisdiction to investigate and prosecute any alleged criminal violations of NRS 616.630, 616.635, 616.640, 616.675, 616.690 and 616.700, sections 54 to 57, inclusive, or section 60 of this act, and any fraud in the administration of chapter 616 or 617 of NRS or in the provision of benefits for industrial insurance.

2. For this purpose, the attorney general shall establish within his office a fraud control unit for industrial insurance. The unit must consist of such persons as are necessary to carry out the duties set forth in this section, including, without limitation, an attorney, an auditor and an investigator.

3. The attorney general, acting through the unit established pursuant to subsection 2:

(a) Is the single state agency responsible for the investigation and prosecution of any alleged criminal violations of NRS 616.630, 616.635, 616.640, 616.675, 616.690 and 616.700, sections 54 to 57, inclusive, or section 60 of this act, and any fraud in the administration of chapter 616 or 617 of NRS or in the provision of industrial insurance benefits;

(b) Shall cooperate with the state industrial insurance system, the department of industrial relations, self-insured employers and other state and federal investigators and prosecutors in coordinating state and federal investigations and prosecutions involving violations of NRS 616.630, 616.635, 616.640, 616.675, 616.690 and 616.700, sections 54 to 57,

inclusive, or section 60 of this act, and any fraud in the administration of chapter 616 or 617 of NRS or in the provision of benefits for industrial insurance;

(c) Shall protect the privacy of persons who are eligible to receive benefits pursuant to the provisions of chapter 616 or 617 of NRS and establish procedures to prevent the misuse of information obtained in carrying out this section; and

(d) May, upon request, inspect the records of any self-insured employer, the state industrial insurance system and the division of industrial insurance regulation of the department of industrial relations, to investigate any alleged violation of any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, sections 54 to 57, inclusive, or section 60 of this act, or any fraud in the administration of chapter 616 or 617 of NRS or in the provision of benefits for industrial insurance.

4. When acting pursuant to NRS 228.175, 228.410 or this section, the attorney general may commence his investigation and file a criminal action without leave of court, and he has exclusive charge of the conduct of the prosecution.

5. The attorney general shall report the name of any person who has been convicted of violating any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act, to the occupational board that issued the person's license or certificate to provide medical care, remedial care or other services in this state.

6. The attorney general shall establish a toll-free telephone number for persons to report information regarding alleged violations of any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 and 616.700, sections 54 to 57, inclusive, or section 60 of this act, and any fraud in the administration of chapter 616 or 617 of NRS or in the provision of industrial insurance benefits.

7. As used in this section, "self-insured employer" has the meaning ascribed to it in NRS 616.112.

Sec. 238. (Omitted in amendment.)

Sec. 239. NRS 232.215 is hereby amended to read as follows:

232.215 The director:

1. Shall appoint a chief of the risk management division.

2. Shall appoint a chief of the budget division, or may serve in this position if he has the qualifications required by NRS 353.175.

3. Shall serve as chief of the hearings division and shall appoint the hearing officers and compensation officers .[, who] *Except as otherwise provided in section 22.5 of this act, the hearing officers* are in the classified service of the state. The director may designate one of the appeals officers in the division to supervise the administrative, technical and procedural activities of the division.

4. Shall serve as chairman of the state public works board.

5. Is responsible for the administration, through the divisions of the department, of the provisions of NRS 331.182 to 331.186, inclusive, 353.150 to 353.246, inclusive, and all other provisions of law relating to the functions of the divisions of the department.

6. Has such other powers and duties as are provided by law.

Sec. 240. NRS 232.550 is hereby amended to read as follows:

232.550 As used in NRS 232.560 to 232.700, inclusive, unless the context otherwise requires:

1. "Department" means the department of industrial relations.

2. "Director" means the director of the department of industrial relations.

3. "Insurer" includes the state industrial insurance system [,] *and* self-insured employers . [, and those employers covered under the provisions NRS 616.255 and 616.256.]

Sec. 241. NRS 232.550 is hereby amended to read as follows:

232.550 As used in NRS 232.560 to 232.700, inclusive, unless the context otherwise requires:

1. "Department" means the department of industrial relations.

2. "Director" means the director of the department of industrial relations.

3. "Insurer" includes [the] *:*

(a) The state industrial insurance system [and self-insured employers.] *;*

(b) A self-insured employer;

(c) An association of self-insured public employers; and

(d) An association of self-insured private employers.

Sec. 242. NRS 232.680 is hereby amended to read as follows:

232.680 1. The cost of carrying out the provisions of NRS 232.550 to 232.700, inclusive, and of supporting the department , [and] its various divisions *, a full-time employee of the legislative counsel bureau and the fraud control unit for industrial insurance established pursuant to section 237 of this act,* must be paid from assessments payable by each:

(a) Insurer based upon expected annual expenditures for claims; and

(b) Employer who provides accident benefits for injured employees pursuant to NRS 616.415, based upon his expected annual expenses of providing those benefits.

The department shall adopt regulations which establish formulas of assessment which result in an equitable distribution of costs among the insurers and employers who provide accident benefits for injured employees.

2. Federal grants may partially defray the costs of the divisions.

3. Assessments made against insurers by the department after the adoption of regulations must be used to defray all costs and expenses of administering the program of workmen's compensation, including the payment of:

(a) All salaries and other expenses in administering the division of industrial insurance regulation, the division of administrative services, the division of enforcement for industrial safety and health, the division of preventative safety and the division of mine inspection, including the costs of the office and staff of the director.

(b) All salaries and other expenses of administering NRS 616.253 to 616.2539, inclusive, the offices of the hearings division of the department of administration and the programs of self-insurance and review of premium rates by the commissioner of insurance.

(c) *The salary and other expenses of a full-time employee of the legislative counsel bureau whose principal duties are limited to conducting research and reviewing and evaluating data related to industrial insurance.*

(d) All salaries and other expenses of the fraud control unit for industrial insurance established pursuant to section 237 of this act.

(e) Claims against uninsured employers arising from compliance with NRS 616.377 [.] *and 617.275.*

Sec. 243. NRS 244.33505 is hereby amended to read as follows:

244.33505 1. In a county in which a license to engage in a business is required, the board of county commissioners shall not issue such a license unless the applicant for the license signs an affidavit affirming that the business:

(a) Has received coverage by the state industrial insurance system required pursuant to chapter 616 of NRS;

(b) Maintains a valid certificate of self-insurance pursuant to chapter 616 of NRS; [or]

(c) *Is a member of an association of self-insured public or private employers; or*

(d) Is not subject to the provisions of chapter 616 of NRS.

2. In a county in which such a license is not required, the board of county commissioners shall require a business, when applying for a post office box, to submit to the board the affidavit required by subsection 1.

3. Each board of county commissioners shall submit to the administrator monthly a list of the names of those businesses which have submitted an affidavit required by subsections 1 and 2.

4. Upon receiving an affidavit required by this section, a board of county commissioners shall provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the division of preventative safety of the department of industrial relations pursuant to NRS 618.376.

Sec. 244. NRS 268.0955 is hereby amended to read as follows:

268.0955 1. In an incorporated city in which a license to engage in a business is required, the city council or other governing body of the city shall not issue such a license unless the applicant for the license signs an affidavit affirming that the business:

(a) Has received coverage by the state industrial insurance system required pursuant to chapter 616 of NRS;

(b) Maintains a valid certificate of self-insurance pursuant to chapter 616 of NRS; [or]

(c) *Is a member of an association of self-insured public or private employers; or*

(d) Is not subject to the provisions of chapter 616 of NRS.

2. In an incorporated city in which such a license is not required, the city council or other governing body of the city shall require a business, when applying for a post office box, to submit to the governing body the affidavit required by subsection 1.

3. Each city council or other governing body of an incorporated city shall submit to the administrator monthly a list of the names of those businesses which have submitted an affidavit required by subsections 1 and 2.

4. Upon receiving an affidavit required by this section, the city council or other governing body of an incorporated city shall provide the applicant with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the division of preventative safety of the department of industrial relations pursuant to NRS 618.376.

Sec. 245. NRS 353.210 is hereby amended to read as follows:

353.210 1. Except as *otherwise* provided in subsection 3, on or before September 1 of each even-numbered year, all departments, institutions and other agencies of the executive department of the state government, and all agencies of the executive department of the state government receiving state money, fees or other money under the authority of the state, including those operating on money designated for specific purposes by the constitution or otherwise, shall prepare, on blanks furnished them by the chief, and submit to the chief estimates of their expenditure requirements, together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year. The chief shall direct that one copy of the completed forms, accompanied by every supporting schedule and any other related material, be delivered directly to the fiscal analysis division of the legislative counsel bureau on or before September 1 of each even-numbered year. The fiscal analysis division of the legislative counsel bureau must be given advance notice of any conference between the budget division of the department of administration and personnel of other state agencies regarding budget estimates, and a fiscal analyst of the legislative counsel bureau or his designated representative may attend any such conference.

2. The expenditure estimates must be classified to set forth the data of funds, organization units, and the character and objects of expenditures, and must include a mission statement and measurement indicators for each program. The organization units may be subclassified by functions and activities, or in any other manner at the discretion of the chief. If any department, institution or other agency of the executive department of the state government, whether its money is derived from state money or from other money collected under the authority of the state, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the chief may from any data at hand in his office or which he may examine or obtain elsewhere, make and enter an arbitrary budget for the department, institution or agency in accordance with such data.

3. Agencies, bureaus, commissions and officers of the legislative department, the public employees' retirement system , *the state industrial insurance system* and the judicial department of the state government shall submit to the chief for his information in preparing the executive budget the budgets which they propose to submit to the legislature.

Sec. 246. NRS 353.246 is hereby amended to read as follows:

353.246 1. Except as otherwise provided in subsection 2 of this section and subsection 3 of NRS 353.210, the provisions of NRS 353.150 to 353.245, inclusive, do not apply to agencies, bureaus, commissions and officers of the legislative department, the public employees' retirement system , *the state industrial insurance system* and the judicial department of the state government.

2. The legislative department, the public employees' retirement system , *the state industrial insurance system* and the judicial department of the state government shall submit their budgets to the legislature in the same format as the executive budget unless otherwise provided by the legislative commission.

Sec. 246.3. NRS 364A.100 is hereby amended to read as follows:

364A.100 1. Except as otherwise provided in [subsection 2,] *subsections 2 and 3,* the records and files of the department concerning the administration of this chapter are confidential and privileged. The department, and any employee engaged in the administration of this chapter, or charged with the custody of any such records or files, shall not disclose any information obtained from the department's records or files or from any examination, investigation or hearing authorized by the provisions of this chapter. Neither the department nor any employee of the department may be required to produce any of the records, files and information for the inspection of any person or for use in any action or proceeding.

2. The records and files of the department concerning the administration of this chapter are not confidential and privileged in the following cases:

(a) Testimony by a member or employee of the department and production of records, files and information on behalf of the department or a taxpayer in any action or proceeding pursuant to the provisions of this chapter if that testimony or the records, files or information, or the facts shown thereby are directly involved in the action or proceeding.

(b) Delivery to a taxpayer or his authorized representative of a copy of any return or other document filed by the taxpayer pursuant to this chapter.

(c) Publication of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases.

(e) Disclosure in confidence to the governor or his agent in the exercise of the governor's general supervisory powers, or to any person authorized to audit the accounts of the department in pursuance of an audit, or to the attorney general or other legal representative of the state in connection with an action or proceeding pursuant to this chapter or to any agency of this or

any other state charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming.

3. The executive director shall periodically, as he deems appropriate; but not less often than annually, transmit to the administrator of the division of industrial insurance regulation of the department of industrial relations a list of the businesses of which he has a record. The list must include the mailing address of the business and the approximate number of employees of the business as reported to the department.

Sec. 246.5. NRS 439B.420 is hereby amended to read as follows:

439B.420 1. A hospital or related entity shall not establish a rental agreement with a physician or entity that employs physicians that requires any portion of his medical practice to be referred to the hospital or related entity.

2. [No] *The* rent required of a physician or entity which employs physicians by a hospital or related entity [may] *must not* be less than 75 percent of the rent for comparable office space leased to another physician or other lessee in the building, or in a comparable building owned by the hospital or entity.

3. A hospital or related entity shall not pay any portion of the rent of a physician or entity which employs physicians within facilities not owned or operated by the hospital or related entity, unless the resulting rent is no lower than the highest rent for which the hospital or related entity rents comparable office space to other physicians.

4. [No] *A* health facility [may] *shall not* offer any provider of medical care any financial inducement, excluding rental agreements subject to the provisions of subsection 2 or 3, whether in the form of immediate, delayed, direct or indirect payment to induce the referral of a patient or group of patients to the health facility. This subsection does not prohibit bona fide gifts under $100, or reasonable promotional food or entertainment.

5. The provisions of subsections 1 to 4, inclusive, do not apply to hospitals in a county whose population is less than 35,000.

6. A hospital, if acting as a billing agent for a medical practitioner performing services in the hospital, [must] *shall* not add any charges to the practitioner's bill for services other than a charge related to the cost of processing the billing.

7. [No] *A* hospital or related entity [may] *shall not* offer any financial inducement to an officer, employee or agent of an insurer, a person acting as an insurer or self-insurer or a related entity. A person shall not accept such offers. This subsection does not prohibit bona fide gifts of under $100 in value, or reasonable promotional food or entertainment.

8. A hospital or related entity shall not sell goods or services to a physician unless the costs for such goods and services are at least equal to the cost for which the hospital or related entity pays for the goods and services.

9. [A] *Except as prohibited by NRS 616.690, a* practitioner or health facility shall not refer a patient to a health facility or service in which the referring party has a financial interest unless the practitioner or health facility first discloses the interest.

10. The director may, at reasonable intervals, require a hospital or related entity or other party to an agreement to submit copies of operative contracts subject to the provisions of this section after notification by registered mail. The contracts must be submitted within 30 days after receipt of the notice. Contracts submitted pursuant to this subsection are confidential, except in cases in which an action is brought pursuant to subsection 11.

11. A person who willfully violates any provision of this section is liable to the State of Nevada for:

(a) A civil penalty in an amount of not more than $5,000 per occurrence, or 100 percent of the value of the illegal transaction, whichever is greater.

(b) Any reasonable expenses incurred by the state in enforcing this section.

Any money recovered pursuant to this subsection as a civil penalty must be deposited in a separate account in the state general fund and used for projects intended to benefit the residents of this state with regard to health care. Money in the account may only be withdrawn by act of the legislature.

12. As used in this section, "related entity" means an affiliated person or subsidiary as those terms are defined in NRS 439B.430.

Sec. 247. NRS 482.368 is hereby amended to read as follows:

482.368 1. Except as otherwise provided in subsection 2, the department shall provide suitable distinguishing license plates for exempt vehicles. These plates must be displayed on the vehicles in the same manner as provided for privately owned vehicles. The fee for the issuance of the plates is $5. Any license plates authorized by this section must be immediately returned to the department when the vehicle for which they were issued ceases to be used exclusively for the purpose for which it was exempted from the privilege tax.

2. License plates furnished for:

(a) Those [automobiles] *vehicles* which are maintained for and used by the governor or under the authority and direction of the chief parole and probation officer, the state contractors' board and auditors, the state fire marshal, the investigation division of the department and any authorized federal *law enforcement agency* or [out-of-state] law enforcement agency [;] *from another state;*

(b) One [automobile] *vehicle* used by the department of prisons, three [automobiles] *vehicles* used by the department of wildlife, two [automobiles] *vehicles* used by the Caliente youth center and four [automobiles] *vehicles* used by the Nevada youth training center;

(c) Vehicles of a city, county or the state, [except any assigned to the state industrial insurance system,] if authorized by the department for purposes of law enforcement or work related thereto or such other purposes as are approved upon proper application and justification; and

(d) [Automobiles] *Vehicles* maintained for and used by investigators of the following:

(1) The state gaming control board;

(2) The division of brand inspection of the state department of agriculture;

(3) The attorney general;

(4) City or county juvenile officers;

(5) District attorneys' offices;

(6) Public administrators' offices;

(7) Public guardians' offices;

(8) Sheriffs' offices;

(9) Police departments in the state; and

(10) The securities division of the office of the secretary of state,

must not bear any distinguishing mark which would serve to identify the [automobiles] *vehicles* as owned by the state, county or city. These license plates must be issued annually for $12 per plate or, if issued in sets, per set.

3. The director may enter into agreements with departments of motor vehicles of other states providing for exchanges of license plates of regular series for [automobiles] *vehicles* maintained for and used by investigators of the law enforcement agencies enumerated in paragraph (d) of subsection 2, subject to all of the requirements imposed by that paragraph, except that the fee required by that paragraph must not be charged.

4. Applications for the licenses must be made through the head of the department, board, bureau, commission, school district or irrigation district, or through the chairman of the board of county commissioners of the county or town or through the mayor of the city, owning or controlling the vehicles, and no plate or plates may be issued until a certificate has been filed with the department showing that the name of the department, board, bureau, commission, county, city, town, school district or irrigation district, as the case may be, and the words "For Official Use Only" have been permanently and legibly affixed to each side of the vehicle, except those [automobiles] *vehicles* enumerated in subsection 2.

5. As used in this section, "exempt vehicle" means a vehicle exempt from the privilege tax, except one owned by the United States.

6. The department shall adopt regulations governing the use of all license plates provided for in this section. Upon a finding by the department of any violation of its regulations, it may revoke the violator's privilege of registering vehicles pursuant to this section.

Sec. 248. NRS 624.256 is hereby amended to read as follows:

624.256 Before granting an original or renewal of a contractor's license to any applicant who has one or more employees, the board shall require that the applicant submit to the board:

1. Proof of industrial insurance and insurance for occupational diseases which covers his employees; [or]

2. A copy of his certificate of qualification as a self-insured employer which was issued by the commissioner of insurance [.] *; or*

3. If the applicant is a member of an association of self-insured public or private employers, a copy of the certificate issued to the association by the commissioner of insurance.

Sec. 249. NRS 629.061 is hereby amended to read as follows:

629.061 1. Each provider of health care shall make the health care records of a patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient;

(b) An investigator for the attorney general or a grand jury investigating an alleged violation of NRS 422.540 to 422.570, inclusive; [or]

(c) *An investigator for the attorney general investigating an alleged violation of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, sections 54 to 57, inclusive, or section 60 of this act, or any fraud in the administration of chapter 616 or 617 of NRS or in the provision of benefits for industrial insurance; or*

(d) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

The records must be made available at a place within the depository convenient for physical inspection, and inspection must be permitted at all reasonable office hours and for a reasonable length of time. The provider of health care shall also furnish a copy of the records to each person described in paragraphs (a) and [(c)] *(d)* of this subsection who requests it and pays the actual cost of postage, if any, the costs of making the copy, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health and care records produced by similar processes. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy.

2. Each person who owns or operates an ambulance in this state shall make his records regarding a sick or injured patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient; or

(b) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

The records must be made available at a place within the depository convenient for physical inspection, and inspection must be permitted at all reasonable office hours and for a reasonable length of time. The person who owns or operates an ambulance shall also furnish a copy of the records to each person described in paragraphs (a) and (b) of this subsection who requests it and pays the actual cost of postage, if any, and the costs of making the copy, not to exceed 60 cents per page for photocopies. No administrative fee or additional service fee of any kind may be charged for furnishing a copy of the records.

3. Records made available to a representative or investigator must not be used at any public hearing unless:

(a) The patient named in the records has consented in writing to their use; or

(b) Appropriate procedures are utilized to protect the identity of the patient from public disclosure.

This subsection does not prohibit a state licensing board from providing to a provider of health care or owner or operator of an ambulance against whom a complaint or written allegation has been filed, or to his attorney, information on the identity of a patient whose records may be used in a public hearing relating to the complaint or allegation, but the provider of health care or owner or operator of an ambulance and his attorney shall keep the information confidential.

4. A provider of health care or owner or operator of an ambulance, his agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

Sec. 250. NRS 630.301 is hereby amended to read as follows:

630.301 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Conviction of a felony, any offense involving moral turpitude or any offense relating to the practice of medicine or the ability to practice medicine. A plea of nolo contendere is a conviction for the purposes of this subsection.

2. *Conviction of violating any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act.*

3. The suspension, modification or limitation of the license to practice any type of medicine by any other jurisdiction or the surrender of the license or discontinuing the practice of medicine while under investigation by any licensing authority, a medical facility, a branch of the armed services of the United States, an insurance company, an agency of the Federal Government or an employer.

[3.] *4.* Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

Sec. 250.5. NRS 630.305 is hereby amended to read as follows:

630.305 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Directly or indirectly receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation which is intended or tends to influence the physician's objective evaluation or treatment of a patient.

2. Dividing a fee between licensees except where the patient is informed of the division of fees and the division of fees is made in proportion to the services personally performed and the responsibility assumed by each licensee.

3. Referring a patient to any medical laboratory in which the licensee has a financial interest unless the laboratory is operated solely in connection with the diagnosis and treatment of his own patients [.] *pursuant to NRS 652.235.*

4. Referring an injured employee to a health facility in [which the licensee has a financial interest unless he first discloses that interest pursuant to] *violation of* NRS 616.690.

5. Charging for visits to the physician's office which did not occur or for services which were not rendered or documented in the records of the patient.

6. Aiding, assisting, employing or advising, directly or indirectly, any unlicensed person to engage in the practice of medicine contrary to the provisions of this chapter or the regulations of the board.

7. Delegating responsibility for the care of a patient to a person when the licensee knows, or has reason to know, that this person is not qualified to undertake that responsibility.

8. Failing to disclose to a patient any financial or other conflict of interest.

Sec. 251. NRS 630.339 is hereby amended to read as follows:

630.339 1. If, after an investigation by a committee or on its own initiative, the board decides to proceed with disciplinary action, it shall bring charges against a licensee and fix a time and place for a formal hearing. [It] *If the board receives a report pursuant to subsection 5 of section 237 of this act, such a hearing must be held within 30 days after receiving the report. The board* shall notify the licensee of the charges brought against him, including the time and place set for the hearing, and of the possible sanctions authorized in NRS 630.352.

2. The board, a hearing officer or a panel of its members designated by the board shall hold the formal hearing on the charges at the time and place designated in the notification. If the hearing is before a panel, at least one member of the board who is not a physician must participate in this hearing.

Sec. 252. NRS 630A.340 is hereby amended to read as follows:

630A.340 The following acts, among others, constitute grounds for initiating disciplinary action or denying the issuance of a license:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony;

(c) *A violation of any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act;*

(d) Any offense involving moral turpitude; or

[(d)] *(e)* Any offense relating to the practice of homeopathic medicine or the ability to practice homeopathic medicine.

A plea of nolo contendere to any offense listed in paragraph (a), (b), (c) , [or] (d) *or (e)* shall be deemed a conviction.

3. The suspension, modification or limitation of a license to practice any type of medicine by any other jurisdiction.

4. The surrender of a license to practice any type of medicine or the discontinuance of the practice of medicine while under investigation by any licensing authority, medical facility, facility for the dependent, branch of the Armed Forces of the United States, insurance company, agency of the Federal Government or employer.

5. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

6. Professional incompetence.

Sec. 253. NRS 630A.480 is hereby amended to read as follows:

630A.480 1. If, after an investigation by a committee or on its own initiative, the board decides to proceed with disciplinary action, it shall bring charges against a licensed homeopathic physician and fix a time and place for a formal hearing. *If the board receives a report pursuant to subsection 5 of section 237 of this act, such a hearing must be held within 30 days after receiving the report.* The board shall notify the homeopathic physician of the charges brought against him, including the time and place set for the hearing, and of the sanctions authorized in NRS 630A.510.

2. The board, a hearing officer or a committee of the members of the board shall hold the formal hearing on the charges at the time and place designated in the notification. If the hearing is before a committee, at least one member of the board who is not a physician must participate in the hearing and in the final recommendation of the committee to the board.

Sec. 254. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;

2. Professional incompetence;

3. Suspension or revocation of his license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;

4. More than one act by the dentist or dental hygienist constituting substandard care in the practice of dentistry or dental hygiene;

5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;

6. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render him unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession; [or]

7. Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this state, or conviction of any criminal violation of this chapter [.] *; or*

8. Conviction of violating any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act.

Sec. 255. NRS 631.360 is hereby amended to read as follows:

631.360 1. The board may, upon its own motion, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for refusal, suspension or revocation of a license or certificate under this chapter, investigate the actions of any person holding a certificate.

2. The board shall, before refusing to issue, or before suspending or revoking any certificate, at least 10 days before the date set for the hearing, notify in writing the applicant or the holder of the certificate of any charges made. The notice may be served by delivery of it personally to the accused person or by mailing it by registered or certified mail to the place of business last specified by the accused person, as registered with the board.

3. At the time and place fixed in the notice, the board shall proceed to hear the charges. *If the board receives a report pursuant to subsection 5 of section 237 of this act, a hearing must be held within 30 days after receiving the report.*

4. The board may compel the attendance of witnesses or the production of documents or objects by subpena. Any person who is subpenaed by the board may request the board to modify the terms of the subpena or grant additional time for compliance.

5. The board may obtain a search warrant from a magistrate upon a showing that the warrant is needed for an investigation or hearing being conducted by the board and that reasonable cause exists to issue the warrant.

6. If the board is not sitting at the time and place fixed in the notice, or at the time and place to which the hearing has been continued, the board shall continue the hearing for a period not to exceed 30 days.

Sec. 256. NRS 632.320 is hereby amended to read as follows:

632.320 The board may deny, revoke or suspend any license applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee, upon determining that he:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license pursuant to this chapter.

2. Is guilty of a felony or any offense involving moral turpitude, in which case the record of conviction is conclusive evidence thereof.

3. *Has been convicted of violating any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act.*

4. Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

[4.] *5.* Is habitually intemperate or is addicted to the use of any controlled substance.

[5.] *6.* Is mentally incompetent.

[6.] *7.* Is guilty of unprofessional conduct, which includes but is not limited to the following:

(a) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(b) Procuring, or aiding, abetting, attempting, agreeing or offering to procure or assist at, a criminal abortion.

(c) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license.

(d) Impersonating another licensed practitioner.

(e) Permitting or allowing another person to use his certificate for the purpose of nursing the sick or afflicted.

(f) Repeated malpractice, which may be evidenced by claims of malpractice settled against him.

[7.] *8.* Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license issued pursuant to this chapter is prima facie evidence that the licensee has committed or expects to commit a violation of this chapter.

[8.] *9.* Is guilty of aiding or abetting anyone in a violation of this chapter.

[9.] *10.* Has falsified an entry on a patient's medical chart concerning a controlled substance.

[10.] *11.* Has falsified information which was given to a physician, pharmacist or dentist to obtain a controlled substance.

[11.] *12.* Has had a license to practice nursing suspended or revoked in another jurisdiction. A certified copy of the order of suspension or revocation is prima facie evidence of the suspension or revocation.

[12.] *13.* Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

Sec. 257. NRS 632.350 is hereby amended to read as follows:

632.350 1. Before suspending or revoking any license or certificate or taking other disciplinary action against a licensee or holder of a certificate, the board shall notify the licensee or holder of the certificate in writing of the charges against him, accompanying the notice with a copy of the complaint, if any is filed.

2. Written notice may be served by delivery of it personally to the licensee or holder of the certificate, or by mailing it by registered or certified mail to his last known residential address.

3. If the licensee or holder of the certificate submits a written request, the board shall furnish the licensee or holder of the certificate with copies of any communications, reports and affidavits in possession of the board, touching upon or relating to the matter in question.

4. As soon as practicable after the filing of a complaint or, if no complaint is filed, after notice of the charges is given to a licensee or holder of a certificate, the board, or a majority thereof, shall hold a hearing on the charges at such time and place as the board prescribes. *If the board receives a report pursuant to subsection 5 of section 237 of this act, the hearing must be held within 30 days after receiving the report.* The hearing must be held, if the licensee or holder of the certificate desires, within the county where he resides.

Sec. 258. NRS 633.511 is hereby amended to read as follows:

633.511 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony; [or]

(c) *A violation of any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act; or*

(d) Any offense involving moral turpitude.

3. The suspension of the license to practice osteopathic medicine by any other jurisdiction.

4. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

5. Professional incompetence.

Sec. 259. NRS 633.621 is hereby amended to read as follows:

633.621 If:

1. A complaint charging unprofessional conduct, a conviction or the suspension or revocation of a license to practice osteopathic medicine is not frivolous; or

2. With respect to a complaint reported by the attorney general, the board has determined to proceed with disciplinary action,

the secretary of the board shall fix a time and place for a hearing and cause a notice of the hearing and a formal complaint prepared by the board to be served on the person charged at least 20 days before the date fixed for the hearing. *If the board receives a report pursuant to subsection 5 of section 237 of this act, such a hearing must be held within 30 days after receiving the report.*

Sec. 260. NRS 634.140 is hereby amended to read as follows:

634.140 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony; [or]

(c) *A violation of any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act; or*

(d) Any offense involving moral turpitude.

3. Suspension or revocation of the license to practice chiropractic by any other jurisdiction.

4. Gross or repeated malpractice.

5. Referring an injured employee to a health facility in which the licensee has a financial interest unless he first discloses that interest pursuant to NRS 616.690.

Sec. 260.5. NRS 634.140 is hereby amended to read as follows:

634.140 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony;

(c) A violation of any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act; or

(d) Any offense involving moral turpitude.

3. Suspension or revocation of the license to practice chiropractic by any other jurisdiction.

4. Gross or repeated malpractice.

5. Referring an injured employee to a health facility in [which the licensee has a financial interest unless he first discloses that interest pursuant to] *violation of* NRS 616.690.

Sec. 261. NRS 634.170 is hereby amended to read as follows:

634.170 1. When a complaint is filed with the executive director of the board, it must be considered by the president or a member of the board designated by him. If, from the complaint or from other official records, it appears that the complaint may be well founded in fact, the executive director shall cause written notice of the charges in the complaint to be served upon the person charged at least 20 days before the date fixed for the hearing. *If the board receives a report pursuant to subsection 5 of section 237 of this act, a hearing must be held within 30 days after receiving the report.*

2. If the complaint is not deemed by the president or designated member of the board to be of sufficient import or sufficiently well founded to merit bringing proceedings against the person charged, the complaint must be held in abeyance and discussed at the next meeting of the board.

Sec. 262. NRS 634A.170 is hereby amended to read as follows:

634A.170 The board may refuse to issue or may suspend or revoke any license for any one or any combination of the following causes:

1. Conviction of [a felony, conviction of any] *:*

(a) A felony;

(b) Any offense involving moral turpitude [or conviction of a] *;*

(c) A violation of any state or federal law regulating the possession, distribution or use of any controlled substance, as shown by a certified copy of the record of the court; *or*

(d) A violation of any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act;

2. The obtaining of or any attempt to obtain a license or practice in the profession for money or any other thing of value, by fraudulent misrepresentations;

3. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner;

4. Advertising by means of a knowingly false or deceptive statement;

5. Advertising, practicing or attempting to practice under a name other than one's own;

6. Habitual drunkenness or habitual addiction to the use of a controlled substance;

7. Using any false, fraudulent or forged statement or document, or engaging in any fraudulent, deceitful, dishonest or immoral practice in connection with the licensing requirements of this chapter;

8. Sustaining a physical or mental disability which renders further practice dangerous;

9. Engaging in any dishonorable, unethical or unprofessional conduct which may deceive, defraud or harm the public, or which is unbecoming a person licensed to practice under this chapter;

10. Using any false or fraudulent statement in connection with the practice of Oriental medicine or any branch thereof;

11. Violating or attempting to violate, or assisting or abetting the violation of, or conspiring to violate any provision of this chapter;

12. Being adjudicated incompetent or insane;

13. Advertising in an unethical or unprofessional manner;

14. Obtaining a fee or financial benefit for any person by the use of fraudulent diagnosis, therapy or treatment;

15. Willful disclosure of a privileged communication;

16. Failure of a licensee to designate the nature of his practice in the professional use of his name by the term doctor of Oriental medicine, doctor of acupuncture or acupuncture assistant, as the case may be;

17. Willful violation of the law relating to the health, safety or welfare of the public or of the regulations adopted by the state board of health;

18. Administering, dispensing or prescribing any controlled substance, except for the prevention, alleviation or cure of disease or for relief from suffering; and

19. Performing, assisting or advising in the injection of any liquid silicone substance into the human body.

Sec. 263. NRS 634A.180 is hereby amended to read as follows:

634A.180 The board shall not refuse to issue, refuse to renew, suspend or revoke any license for any of the causes enumerated in NRS 634A.170, unless the person accused has been given at least 20 days' notice in writing of the charge against him and a hearing by the board. *If the board receives a report pursuant to subsection 5 of section 237 of this act, a hearing must be held within 30 days after receiving the report.*

Sec. 264. NRS 635.130 is hereby amended to read as follows:

635.130 1. The board, after notice and hearing, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:

(a) Refuse to renew a license.

(b) Suspend or revoke a license.

(c) Place a licensee on probation.

(d) Impose a fine not to exceed $1,000.

2. The board may take disciplinary action against a licensee for any of the following causes:

(a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure under this chapter.

(b) Lending the use of the holder's name to an unlicensed person.

(c) If the holder is a podiatrist, his permitting an unlicensed person in his employ to practice as a podiatry hygienist.

(d) Habitual indulgence in the use of alcohol or any controlled substance which impairs the intellect and judgment to such an extent as in the opinion of the board incapacitates the holder in the performance of his professional duties.

(e) Conviction of a crime involving moral turpitude.

(f) *Conviction of violating any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act.*

(g) Conduct which in the opinion of the board disqualifies him to practice with safety to the public.

[(g)] *(h)* The commission of fraud by or on behalf of the licensee regarding his license or practice.

[(h)] *(i)* Gross incompetency.

[(i)] *(j)* Affliction of the licensee with any mental or physical disorder which seriously impairs his competence as a podiatrist or podiatry hygienist.

[(j)] *(k)* False representation by or on behalf of the licensee regarding his practice.

[(k)] *(l)* Unethical or unprofessional conduct.

[(l)] *(m)* Willful or repeated violations of this chapter or regulations adopted by the board.

[(m)] *(n)* Willful violation of the regulations adopted by the state board of pharmacy.

Sec. 265. NRS 635.150 is hereby amended to read as follows:

635.150 Any person against whom charges have been made shall be notified of that fact and a copy of the charges shall be sent to him by the board. He shall be given a fair and impartial trial by the board, whose decision shall be made by a majority vote of its members. *If the board receives a report pursuant to subsection 5 of section 237 of this act, a hearing must be held within 30 days after receiving the report.*

Sec. 266. NRS 636.295 is hereby amended to read as follows:

636.295 The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, constitute sufficient cause for disciplinary action:

1. Affliction of the licensee with any communicable disease likely to be communicated to other persons.

2. Commission by the licensee of a felony or a gross misdemeanor involving moral turpitude of which he has been convicted and from which he has been sentenced by a final judgment of a federal or state court in this or any other state, the judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.

3. *Conviction of any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act.*

4. Commission of fraud by or on behalf of the licensee in obtaining his license or a renewal thereof, or in practicing optometry thereunder.

[4.] *5.* Habitual drunkenness or addiction to any controlled substance.

[5.] *6.* Gross incompetency.

[6.] *7.* Affliction with any mental or physical disorder or disturbance seriously impairing his competency as an optometrist.

[7.] *8.* Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.

[8.] *9.* Practice by the licensee, or attempting or offering so to do, while he is in an intoxicated condition.

[9.] *10.* Perpetration of unethical or unprofessional conduct in the practice of optometry.

[10.] *11.* Willfully and repeatedly violating provisions of this chapter or regulations adopted by the board.

Sec. 267. NRS 636.315 is hereby amended to read as follows:

636.315 As soon as practicable after the filing of a complaint, the board shall fix a date for the hearing thereof, which date [shall] *must* be not less than 30 days thereafter. *If the board receives a report pursuant to subsection 5 of section 237 of this act, a hearing must be held within 30 days after receiving the report.* The secretary shall immediately notify the defendant licensee of the complaint and the date and place fixed for the hearing thereof. A copy of the complaint [shall] *must* be attached to the notice.

Sec. 268. Chapter 637 of NRS is hereby amended by adding thereto a new section to read as follows:

If the board receives a report pursuant to subsection 5 of section 237 of this act, a hearing to consider the report must be held within 30 days after receiving the report.

Sec. 269. NRS 637.150 is hereby amended to read as follows:

637.150 Upon proof to the satisfaction of the board that an applicant or holder of a license:

1. Has been adjudicated insane;
2. Habitually uses any controlled substance or intoxicant;
3. Has been convicted of a crime involving moral turpitude;

4. *Has been convicted of violating any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act;*

5. Has advertised in any manner which would tend to deceive, defraud or mislead the public;

[5.] *6.* Has presented to the board any diploma, license or certificate that has been signed or issued unlawfully or under fraudulent representations, or obtains or has obtained a license to practice in the state through fraud of any kind;

[6.] *7.* Has been convicted of a violation of any federal or state law relating to a controlled substance;

[7.] *8.* Has violated any regulation of the board;

[8.] *9.* Has violated any provision of this chapter;

[9.] *10.* Is incompetent;

[10.] *11.* Is guilty of unethical or unprofessional conduct as determined by the board;

[11.] *12.* Is guilty of repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner; or

[12.] *13.* Is guilty of a fraudulent or deceptive practice as determined by the board,

the board may, in the case of an applicant, refuse to grant him a license, or may, in the case of a holder of a license, place him on probation, reprimand him privately or publicly, require him to pay an administrative fine of not more than $10,000, suspend or revoke his license, or take any combination of these disciplinary actions.

Sec. 270. NRS 637A.250 is hereby amended to read as follows:

637A.250 The board may revoke or suspend a license after a hearing which discloses that the licensee:

1. Has been convicted of a felony or a misdemeanor involving moral turpitude.

2. *Has been convicted of violating any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act.*

3. Obtained the license by fraud or misrepresentation.

[3.] *4.* Obtained any fee by fraud or misrepresentation.

[4.] *5.* Has made any false or fraudulent statements concerning hearing aids.

[5.] *6.* Has been guilty of negligence, incompetence or misconduct in the fitting of any hearing aid.

[6.] *7.* Has loaned or transferred his license to another person.

[7.] *8.* Willfully violated any law of this state or any provision of this chapter regulating hearing aid specialists.

[8.] *9.* Is habitually intemperate.

Sec. 271. NRS 637A.270 is hereby amended to read as follows:

637A.270 As soon as practicable after the filing of a complaint the board shall fix a date for the hearing thereof, which date [shall] *must* not be less than 20 days thereafter. *If the board receives a report pursuant to subsection*

5 of section 237 of this act, a hearing must be held within 30 days after receiving the report. The secretary shall immediately mail, by registered or certified mail, to the defendant licensee, a copy of the complaint and a notice showing the date and place fixed for the hearing.

Sec. 272. NRS 637B.250 is hereby amended to read as follows:

637B.250 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regarding the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony; [or]

(c) *A violation of any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act; or*

(d) Any offense involving moral turpitude.

3. Suspension or revocation of a license to practice audiology or speech pathology by any other jurisdiction.

4. Gross or repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.

5. Professional incompetence.

Sec. 273. NRS 637B.270 is hereby amended to read as follows:

637B.270 Not later than 15 days after the filing of a complaint, the board shall fix a date for the hearing, which date must not be less than 20 days nor more than 45 days after the date the complaint is filed. *If the board receives a report pursuant to subsection 5 of section 237 of this act, a hearing must be held within 30 days after receiving the report.* The board shall immediately mail to the defendant, by certified mail, return receipt requested, a copy of the complaint and a notice showing the time, date and place of the hearing.

Sec. 274. NRS 639.210 is hereby amended to read as follows:

639.210 The board may suspend or revoke any certificate, license, registration or permit issued pursuant to this chapter, and deny the application of any person for a certificate, license, registration or permit, if the holder or applicant:

1. Is not of good moral character;

2. Is guilty of habitual intemperance;

3. Becomes or is intoxicated or under the influence of liquor, any depressant drug or a controlled substance, unless taken pursuant to a physician's prescription, while on duty in any establishment licensed by the board;

4. Is guilty of unprofessional conduct or conduct contrary to the public interest;

5. Is addicted to the use of any controlled substance;

6. Has been convicted of a violation of any law or regulation of the Federal Government or of this or any other state related to controlled substances, dangerous drugs, drug samples, or the wholesale or retail distribution of drugs;

7. Has been convicted of a felony or other crime involving moral turpitude, dishonesty or corruption;

8. *Has been convicted of violating any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act;*

9. Has willfully made to the board or its authorized representative any false statement which is material to the administration or enforcement of any of the provisions of this chapter;

[9.] *10.* Has obtained any certificate, certification, license or permit by the filing of an application, or any record, affidavit or other information in support thereof, which is false or fraudulent;

[10.] *11.* Has violated any provision of the Federal Food, Drug and Cosmetic Act or any other federal law or regulation relating to prescription drugs;

[11.] *12.* Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy, or has knowingly permitted, allowed, condoned or failed to report a violation of any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy committed by the holder of a certificate, license, registration or permit;

[12.] *13.* Has failed to renew his certificate, license or permit by failing to submit the application for renewal or pay the renewal fee therefor;

[13.] *14.* Has had his certificate, license or permit suspended or revoked in another state on grounds which would cause suspension or revocation of a certificate, license or permit in this state;

[14.] *15.* Has, as a managing pharmacist, violated any provision of law or regulation concerning recordkeeping or inventory in a store over which he presides, or has knowingly allowed a violation of any provision of this chapter or other state or federal laws or regulations relating to the practice of pharmacy by personnel of the pharmacy under his supervision;

[15.] *16.* Has repeatedly been negligent, which may be evidenced by claims of malpractice settled against him; or

[16.] *17.* Has failed to maintain and make available to a state or federal officer any records in accordance with the provisions of this chapter or chapter 453 or 454 of NRS.

Sec. 275. NRS 639.245 is hereby amended to read as follows:

639.245 Whenever a hearing has been granted by the board, the secretary shall serve notice on the respondent of the time and place set for the hearing on the accusation. *If the board receives a report pursuant to*

subsection 5 of section 237 of this act, a hearing must be held within 30 days after receiving the report. Service may be effected in the same manner as provided in NRS 639.242.

Sec. 276. NRS 640.160 is hereby amended to read as follows:

640.160 1. The board, after due notice and hearing, and upon any ground enumerated in subsection 2, may take one or more of the following actions:

(a) Refuse to issue a license or temporary license to any applicant.

(b) Refuse to renew the license or temporary license of any person.

(c) Suspend or revoke the license or temporary license of any person.

(d) Place any person who has been issued a license or temporary license on probation.

(e) Impose an administrative fine which does not exceed $5,000 on any person who has been issued a license.

2. The board may take action pursuant to subsection 1 if an applicant or person who has been licensed pursuant to this chapter:

(a) Is habitually drunk or is addicted to the use of a controlled substance.

(b) Has been convicted of violating any state or federal law relating to controlled substances.

(c) Is, in the judgment of the board, guilty of immoral or unprofessional conduct.

(d) Has been convicted of any crime involving moral turpitude.

(e) *Has been convicted of violating any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act.*

(f) Is guilty, in the judgment of the board, of gross negligence in his practice as a physical therapist which may be evidenced by claims of malpractice settled against a practitioner.

[(f)] *(g)* Has obtained or attempted to obtain a license by fraud or material misrepresentation.

[(g)] *(h)* Has been declared insane by a court of competent jurisdiction and has not thereafter been lawfully declared sane.

[(h)] *(i)* Has entered into any contract or arrangement which provides for the payment of an unearned fee to any person following his referral of a patient.

[(i)] *(j)* Has employed as a physical therapist any unlicensed physical therapist or physical therapist whose license has been suspended.

[(j)] *(k)* Has had his license to practice physical therapy suspended, revoked or in any way limited by another jurisdiction.

[(k)] *(l)* Is determined to be professionally incompetent by the board.

[(l)] *(m)* Has violated any provision of this chapter or the board's regulations.

Sec. 277. NRS 640.162 is hereby amended to read as follows:

640.162 1. As soon as practicable after the board determines that a complaint merits a hearing, the board shall set a date for the hearing. The hearing must not be set sooner than 30 days after the date on which the

respondent received notice of the complaint. *If the board receives a report pursuant to subsection 5 of section 237 of this act, a hearing must be held within 30 days after receiving the report.*

2. The board's secretary shall:

(a) Notify the respondent that a complaint against him has been filed;

(b) Inform him of the date, time and place set for the hearing; and

(c) Include a copy of the complaint with the notice.

3. The notice and complaint may be served on the respondent by delivery to him personally or by mailing to him at his last known address by registered or certified mail.

4. If the respondent so requests, the hearing must be held within the county where he resides.

Sec. 278. NRS 640A.200 is hereby amended to read as follows:

640A.200 1. The board may, after notice and hearing, suspend, revoke or refuse to issue or renew a license to practice as an occupational therapist or occupational therapy assistant, or may impose conditions upon the use of that license, if the board determines that the holder of or applicant for the license is guilty of unprofessional conduct which has endangered or is likely to endanger the public health, safety or welfare. The board may reinstate a revoked license upon application by the person to whom the license was issued not less than 1 year after the license is revoked.

2. *If the board receives a report pursuant to subsection 5 of section 237 of this act, a hearing must be held to consider the report within 30 days after receiving the report.*

3. As used in this section, "unprofessional conduct" includes:

(a) The obtaining of a license by fraud or through the misrepresentation or concealment of a material fact;

(b) The conviction of any crime, except a misdemeanor which does not involve moral turpitude; and

(c) The violation of any provision of this chapter or regulation of the board adopted pursuant to this chapter.

Sec. 279. NRS 641.230 is hereby amended to read as follows:

641.230 The board may suspend the license of a psychologist, place a psychologist on probation, revoke the license of a psychologist, require remediation for a psychologist or take any other action specified by regulation if the board finds by a preponderance of the evidence that the psychologist has:

1. Been convicted of a felony.

2. Been convicted of any crime or offense that reflects the inability of the psychologist to practice psychology with due regard for the health and safety of others.

3. *Been convicted of violating any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act.*

4. Engaged in gross malpractice or repeated malpractice or gross negligence in the practice of psychology.

[4.] *5.* Aided or abetted the practice of psychology by a person not licensed by the board.

[5.] *6.* Made any fraudulent or untrue statement to the board.

[6.] *7.* Violated a regulation adopted by the board.

[7.] *8.* Had his license to practice psychology suspended or revoked by another state.

[8.] *9.* Failed to report to the board within 30 days the revocation, suspension or surrender of a license or certificate to practice psychology issued by another state.

[9.] *10.* Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of or conspired to violate a provision of this chapter.

[10.] *11.* Performed or attempted to perform any professional service while impaired by alcohol, drugs or by a mental or physical illness, disorder or disease.

Sec. 280. NRS 641.276 is hereby amended to read as follows:

641.276 If:

1. A complaint charging unprofessional conduct, a conviction or the suspension or revocation of a license is not frivolous; or

2. With respect to a complaint reported by the attorney general, the board has determined to proceed with an action authorized under this chapter,

the board shall fix a time and place for a hearing and cause a notice of the hearing and a formal complaint prepared by the board to be served on the person named in the complaint at least 20 days before the date fixed for the hearing. *If the board receives a report pursuant to subsection 5 of section 237 of this act, a hearing must be held within 30 days after receiving the report.*

Sec. 281. Chapter 652 of NRS is hereby amended by adding thereto a new section to read as follows:

If the board receives a report pursuant to subsection 5 of section 237 of this act, a hearing must be held to consider the contents of the report within 30 days after receiving the report.

Sec. 282. NRS 652.220 is hereby amended to read as follows:

652.220 A license may be denied, suspended or revoked if the laboratory, laboratory director or any technical employee of the laboratory:

1. Violates any provision of this chapter;

2. Makes any misrepresentation in obtaining a license;

3. Has been convicted of a felony;

4. *Has been convicted of violating any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act;*

5. Is guilty of unprofessional conduct;

[5.] *6.* Knowingly permits the use of the name of a licensed laboratory or its director by an unlicensed laboratory; or

[6.] *7.* Fails to meet the minimum standards prescribed by the board.

Sec. 282.5. NRS 652.235 is hereby amended to read as follows:

652.235 1. A licensed physician may operate a medical laboratory solely in connection with the diagnosis or treatment of his own patients if the medical laboratory complies with the provisions of this section.

2. Each such medical laboratory shall:

(a) Register with the health division of the department of human resources.

(b) Comply with the rules and regulations adopted by the board pursuant to NRS 652.130.

(c) Submit to the inspections and tests provided for in subsections 1 and 2 of NRS 652.140.

3. [A] *Except as prohibited by NRS 616.690, a* licensed physician shall not refer a patient to a medical laboratory in which the physician has a financial interest unless it is operated solely in connection with the diagnosis or treatment of his own patients.

Sec. 282.55. Section 21.1 of this act is hereby amended to read as follows:

Sec. 21.1. An insurer, or a private person or public agency providing vocational rehabilitation services to an insurer, shall:

1. Ensure that the work of a vocational rehabilitation counselor who is not certified is supervised and reviewed by certified vocational rehabilitation counselor.

2. Ensure that the case load for a vocational rehabilitation counselor who conducts full vocational assessments does not exceed 35 active claims.

3. Employ at least one certified vocational rehabilitation counselor for every four vocational rehabilitation counselors that it employs who are not certified.

Sec. 282.6. Section 21.4 of this act is hereby amended to read as follows:

Sec. 21.4. 1. A vocational rehabilitation counselor shall develop a plan for a program of vocational rehabilitation for each injured employee who is eligible for vocational rehabilitation services pursuant to NRS 616.222. The counselor shall work with the insurer and the injured employee to develop a program that is compatible with the injured employee's age, sex and physical condition.

2. If the counselor determined in the written assessment developed pursuant to section 21.3 of this act that the injured employee has existing marketable skills, the plan must consist of job placement assistance only. When practicable, the goal of job placement assistance must be to aid the employee in finding a position which pays a gross wage that is equal to or greater than 80 percent of the gross wage that he was earning at the time of his injury. An injured employee must not receive job placement assistance for more than 90 days after the date on which he was notified that he is eligible only for job placement assistance because:

(a) He was physically capable of returning to work; or

(b) It was determined that he had existing marketable skills.

3. If the counselor determined in the written assessment developed pursuant to section 21.3 of this act that the injured employee does not have

existing marketable skills, the plan must consist of a program which trains or educates the injured employee and provides job placement assistance. Except as otherwise provided in section 21.45 of this act, such a program must not exceed:

(a) If the injured employee has incurred a permanent physical impairment of less than 6 percent, 6 months.

(b) If the injured employee has incurred a permanent physical impairment of 6 percent or more, but less than 11 percent, 9 months.

(c) If the injured employee has incurred a permanent physical impairment of 11 percent or more, 1 year.

The percentage of the injured employee's permanent physical impairment must be determined pursuant to NRS 616.605.

4. A plan for a program of vocational rehabilitation must comply with the requirements set forth in section 22 of this act.

5. A program of vocational rehabilitation must not commence before the treating physician or chiropractor, or an examining physician or chiropractor determines that the injured employee is capable of safely participating in the program.

6. If, based upon the opinion of an examining physician or chiropractor, the counselor determines that an injured employee is not eligible for vocational rehabilitation services, the counselor shall provide a copy of the opinion to the treating physician or chiropractor and the insurer.

7. *A plan for a program of vocational rehabilitation must be signed by a certified vocational rehabilitation counselor.*

8. The division shall adopt regulations to carry out the provisions of this section. The regulations must specify the contents of a plan for a program of vocational rehabilitation.

Sec. 283. Section 78 of this act is hereby amended to read as follows:

Sec. 78. A self-insured employer *or an association of self-insured public or private employers* may:

1. Enter into a contract or contracts with one or more organizations for managed care to provide comprehensive medical and health care services to [his] employees for injuries and diseases that are compensable under this chapter and chapter 617 of NRS.

2. Enter into a contract or contracts with providers of health care, including, without limitation, physicians who provide primary care, specialists, pharmacies, physical therapists, radiologists, nurses, diagnostic facilities, laboratories, hospitals and facilities that provide treatment to outpatients, to provide medical and health care services to [his] employees for injuries and diseases that are compensable under this chapter and chapter 617 of NRS.

3. Use the services of an organization for managed care that has entered into a contract with the manager pursuant to section 74 of this act, but is not required to use such services.

4. Require [his] employees to obtain medical and health care services for their industrial injuries from those organizations and persons with whom

[he] *the self-insured employer or association* has contracted pursuant to subsections 1 and 2, or as [he] *the self-insured employer or association* otherwise prescribes.

5. Require [his] employees to obtain [his] *the* approval *of the self-insured employer or the association* before obtaining medical and health care services for their industrial injuries from a provider of health care who has not been previously approved by the self-insured employer [.] *or the association.*

Sec. 284. Section 237 of this act is hereby amended to read as follows:

Sec. 237. Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The attorney general has primary jurisdiction to investigate and prosecute any alleged criminal violations of NRS 616.630, 616.635, 616.640, 616.675, 616.690 and 616.700, sections 54 to 57, inclusive, of this act, and any fraud in the administration of chapter 616 or 617 of NRS or in the provision of benefits for industrial insurance.

2. For this purpose, the attorney general shall establish within his office a fraud control unit for industrial insurance. The unit must consist of such persons as are necessary to carry out the duties set forth in this section including, without limitation, an attorney, an auditor and an investigator.

3. The attorney general, acting through the unit established pursuant to subsection 2:

(a) Is the single state agency responsible for the investigation and prosecution of any alleged criminal violations of NRS 616.630, 616.635, 616.640, 616.675, 616.690 and 616.700, sections 54 to 57, inclusive, of this act, and any fraud in the administration of chapter 616 or 617 of NRS or in the provision of industrial insurance benefits;

(b) Shall cooperate with the state industrial insurance system, the department of industrial relations, self-insured employers , *associations of self-insured public or private employers* and other state and federal investigators and prosecutors in coordinating state and federal investigations and prosecutions involving violations of NRS 616.630, 616.635, 616.640, 616.675, 616.690 and 616.700, sections 54 to 57, inclusive, of this act, and any fraud in the administration of chapter 616 or 617 of NRS or in the provision of benefits for industrial insurance;

(c) Shall protect the privacy of persons who are eligible to receive benefits pursuant to the provisions of chapter 616 or 617 of NRS and establish procedures to prevent the misuse of information obtained in carrying out this section; and

(d) May, upon request, inspect the records of any self-insured employer, *association of self-insured public or private employers,* the state industrial insurance system and the division of industrial insurance regulation of the department of industrial relations, to investigate any alleged violation of any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, sections 54 to 57, inclusive, of this act, or any fraud in the administration of chapter 616 or 617 of NRS or in the provision of benefits for industrial insurance.

4. When acting pursuant to NRS 228.175, 228.410 or this section, the attorney general may commence his investigation and file a criminal action without leave of court, and he has exclusive charge of the conduct of the prosecution.

5. The attorney general shall report the name of any person who has been convicted of violating any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, of this act, to the occupational board that issued the person's license or certificate to provide medical care, remedial care or other services in this state.

6. The attorney general shall establish a toll-free telephone number for persons to report information regarding alleged violations of any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 and 616.700, sections 54 to 57, inclusive, of this act, and any fraud in the administration of chapter 616 or 617 of NRS or in the provision of industrial insurance benefits.

7. As used in this section [, "self-insured employer"] :

(a) "Association of self-insured private employers" has the meaning ascribed to it in section 3 of this act.

(b) "Association of self-insured public employers" has the meaning ascribed to it in section 4 of this act.

(c) "Self-insured employer" has the meaning ascribed to it in NRS 616.112.

Sec. 284.2. Section 1 of Assembly Bill No. 375 of this session is hereby amended to read as follows:

Section 1. NRS 616.380 is hereby amended to read as follows:

616.380 1. In addition to the authority given the manager to determine and fix premium rates of employers as provided in NRS 616.395 to 616.405, inclusive, the manager:

(a) Shall apply that form of rating system which, in his judgment, is best calculated to rate each individual risk more equitably, predicated upon the basis of the employer's individual experience;

(b) Shall adopt equitable regulations controlling the rating of each risk, which [regulations, however,] must conserve to each risk the basic principles of industrial insurance; and

(c) May subscribe to a rating service of any rating organization for casualty, fidelity and surety insurance rating.

2. The rating system or any rating by a rating organization pursuant to this section is subject to the limitation that the amount of any increase or reduction of premium rate, additional charge of premiums or payment of dividends must be in the discretion of the manager.

3. The rating system provided by this section is subject to the following further limitations:

(a) All studies conducted by the manager to determine the adequacy of rate levels and the equity of rates among classifications must be conducted in the presence of an actuary designated by the commissioner.

(b) The manager shall file revised premium rates, revised classifications of employment and changes of the multiplier applied generally to classes of risk with the commissioner and give written public notice to the employers affected by the changes at least:

(1) Sixty days before the effective date of [any] *a*projected change in premiums or projected change of multiplier; and

(2) Thirty days before the effective date of [any] *a* change decided upon.

The commissioner shall review the revised rates and classifications and advise the manager of the changes which are not consistent with NRS 686B.050 and 686B.060.

(c) [Any] *An* employer affected by a change in a revised premium rate or a revised classification of employment may request the commissioner to hold a hearing before the effective date of the change. At the hearing, the commissioner shall consider the objections raised by any party appearing at the hearing. An employer may not appeal a decision of the commissioner concerning a revised premium rate or a revised classification of employment to the manager.

(d) Premium rates must not be fixed at a level higher than that required to:

(1) Pay the obligations created by this chapter and associated administrative expenses.

(2) Provide for a reasonable reserve for claims.

(3) Provide for contingencies such as a catastrophe, economic change, change in judicial interpretations of the law, legislative amendments of the law, deficiencies in the reserve and other events which cannot be predicted accurately and could endanger the solvency of the fund.

The commissioner may order the manager to make any adjustments necessary to meet the requirements of this paragraph.

4. In determining and fixing premium rates, the manager may establish a varying schedule of rates for workers who are in the classification of employment designated as construction which reflects the varying hourly rates of wages paid to such workers.

5. *In determining and fixing the premium rates applicable to an employer who begins business in this state but has conducted business in another state for 3 years or longer, the manager shall take into account the employer's experience in the other state in the same manner as the manager takes into account an employer's experience in this state.*

6. Subsections 2 and 3 do not apply to a rating plan made by voluntary agreement between the manager and an employer which increases or reduces premiums for the employer. The voluntary rating plan may be retrospective in nature. A voluntary rating plan must be in writing and signed by the manager and the employer.

[6.] *7.* The manager shall adopt by regulation a plan for reviewing employers insured by the system who have excessive losses, as defined by the plan, in order to encourage those employers to pay for their losses and correct their loss experience. The plan may include requirements for:

(a) The payment of surcharges by such an employer;

(b) Mandatory retrospective rating plans;

(c) An increase in the amount of the deductible required to be paid by such an employer pursuant to subsection 1 of section 73 of this act;

(d) Changes in the limitations placed on the experience modification plan for such an employer; or

(e) Any combination of paragraphs (a), (b), (c) and (d).

The plan must include procedures for the termination of an employer's participation in the plan when the employer has corrected his excessive loss experience. The commissioner shall review the plan adopted pursuant to this subsection.

Sec. 284.5. Section 4 of Assembly Bill No. 342 of this session is hereby amended to read as follows:

Sec. 4. NRS 616.400 is hereby amended to read as follows:

616.400 1. Except for a self-insured employer, every employer within, and those electing to be governed by, the provisions of this chapter, shall, on or before the 25th day of the month immediately after the end of the assigned reporting period furnish the system with a true and accurate payroll for that period showing:

(a) The total amount paid to employees for services performed;

(b) The amount of tips reported to him by every employee pursuant to 26 U.S.C. § 6053(a), whose tips in cash totaled $20 or more; and

(c) A segregation of employment in accordance with the requirements of the system,

together with the premium due thereon.

2. In determining the total amount paid to employees by each employer for services performed during a calendar year, the maximum amount paid by each employer to any one employee during the calendar year shall be deemed to be [:

(a) For the period beginning October 1, 1992, and ending December 31, 1992, the first $27,000 paid to the employee during the calendar year of 1992.

(b) For the period beginning January 1, 1993, and ending December 31, 1993, the first $27,000 paid to the employee.

(c) For the period beginning January 1, 1994, and ending December 31, 1994, the first $30,000 paid to the employee.

(d) For the period beginning January 1, 1995, and ending December 31, 1995,] the first [$33,000] *$36,000* paid to the employee [.] *during the calendar year.*

3. Any employer by agreement in writing with the manager may arrange for the payment of premiums in advance for a period of more than 60 days.

4. Failure of any employer to comply with the provisions of this section and NRS 616.395 operates as a rejection of this chapter, effective at the expiration of the period covered by his estimate. The manager shall notify the administrator of each such rejection.

5. If an audit of the accounts or actual payroll of an employer shows that the actual premium earned exceeds the estimated premium paid in

advance, the manager may require the payment of money sufficient to cover the deficit, together with such amount as in his judgment constitutes an adequate advance premium for the period covered by the estimate.

6. The manager shall notify any employer or his representative by first-class mail of any failure on his part to comply with the provisions of this section. The notice or its omission does not modify or waive the requirements or effective rejection of this chapter as otherwise provided in this chapter.

7. The system may impose a penalty not to exceed 4 percent of the premiums which are due or $15, whichever is greater, for the failure of an employer to submit the information and premium required in subsection 1 within the time allowed, unless the employer has applied for and been granted an extension of that time by the manager.

8. To the extent permitted by federal law, the system shall vigorously pursue the collection of premiums that are due under the provisions of this chapter even if an employer's debts have been discharged in a bankruptcy proceeding.

Sec. 284.7. Section 2 of Assembly Bill No. 436 of this session is hereby amended to read as follows:

Sec. 2. NRS 612.265 is hereby amended to read as follows:

612.265 1. Except as otherwise provided in this section, information obtained from any employing unit or person pursuant to the administration of this chapter and any determination as to the benefit rights of any person is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

2. Any claimant or his legal representative is entitled to information from the records of the employment security department, to the extent necessary for the proper presentation of his claim in any proceeding pursuant to this chapter. A claimant or an employing unit is not entitled to information from the records of the employment security department for any other purpose.

3. Subject to such restrictions as the executive director may by regulation prescribe, [such] *the* information *obtained by the employment security department* may be made available to:

(a) Any agency of this or any other state or any federal agency charged with the administration or enforcement of an unemployment compensation law, public assistance law, workman's compensation or labor law, or the maintenance of a system of public employment offices;

(b) Any state or local agency for the enforcement of child support;

(c) The Internal Revenue Service of the Department of the Treasury; and

(d) The state contractors' board in the performance of its duties to enforce the provisions of chapter 624 of NRS.

Information obtained in connection with the administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service or a public assistance program.

4. The executive director may *publish or otherwise* provide information on the names of employers, their [geographic locations,] *addresses,* their type or class of business or industry, and the approximate number of employees employed by each *such* employer [to the commission on economic development for its use] *, if the information released will assist unemployed persons obtain employment or will be generally useful* in developing and diversifying the economic interests of this state. *Upon request by a state agency which is able to demonstrate that its intended use of the information will benefit the residents of this state, the executive director may, in addition to the information listed in this subsection, disclose the number of employees employed by each employer and the total wages paid by each employer. The executive director may charge a fee to cover the actual costs of any administrative expenses relating to the disclosure of this information to a state agency. The executive director may require the state agency to certify in writing that the agency will take all actions necessary to maintain the confidentiality of the information and prevent its unauthorized disclosure.*

5. Upon request therefor the executive director shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and the recipient's rights to further benefits pursuant to this chapter.

6. To further a current criminal investigation, the chief executive officer of any law enforcement agency of this state may submit a written request to the executive director that he furnish, from the records of the employment security department, the name, address and place of employment of any person listed in the records of employment of the department. The request must set forth the social security number of the person about whom the request is made and contain a statement signed by the chief executive officer certifying that the request is made to further a criminal investigation currently being conducted by the agency. Upon receipt of such a request, the executive director shall furnish the information requested. He may charge a [reasonable] fee to cover *the actual costs of* any related administrative expenses.

7. The *provisions of subsection 4 notwithstanding, the* executive director shall provide lists containing the names and addresses of employers, the number of employees employed by each employer and the total wages paid by each employer to the department of taxation, upon request, for use in verifying returns for the business tax. The executive director may charge a [reasonable] fee to cover *the actual costs of* any related administrative expenses.

8. The manager of the state industrial insurance system shall submit to the executive director a list of each person who received benefits pursuant to chapter 616 or 617 of NRS during the preceding month and request that he compare the information so provided with the records of the employment security department regarding persons claiming benefits pursuant to chapter 612 of NRS for the same period. The information submitted by the manager must be in a form determined by the executive director and must contain the social security number of each such person. Upon receipt of such a request, the executive director shall make such a comparison and provide to the manager a list of the name, address and social security number of each person who appears, from the information submitted, to be simultaneously claiming benefits under chapter 612 of NRS and under chapter 616 or 617 of NRS. The executive director shall charge a [reasonable] fee to cover *the actual costs of* any related administrative expenses. The manager shall use the information obtained pursuant to this subsection only to further a current investigation. The manager shall not disclose the information for any other purpose.

9. The executive director may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter, and may in connection with the request transmit any such report or return to the Comptroller of the Currency of the United States as provided in Section 3305(c) of the Internal Revenue Code of 1954.

10. If any employee or member of the board of review or the executive director or any employee of the executive director, in violation of the provisions of this section, discloses information obtained from any employing unit or person in the administration of this chapter, or if any person who has obtained a list of applicants for work, or of claimants or recipients of benefits pursuant to this chapter uses or permits the use of the list for any political purpose, he is guilty of a gross misdemeanor.

11. All letters, reports or communications of any kind, oral or written, from the employer or employee to each other or to the employment security department or any of its agents, representatives or employees are privileged and must not be the subject matter or basis for any lawsuit if the letter, report or communication is written, sent, delivered or prepared pursuant to the requirements of this chapter.

Sec. 285. NRS 616.028, 616.1703, 616.1705, 616.1707, 616.2223, 616.255, 616.256, 616.345, 616.537, 616.680, 617.180, 617.330, 617.350 and 617.360 are hereby repealed.

Sec. 286. (Omitted in amendment.)

Sec. 287. 1. The amendatory provisions of NRS 616.222, 616.585 and 616.610 must not be applied to reduce the amount of compensation and benefits of a person who is incarcerated and receiving benefits pursuant to

chapter 616 or 617 of NRS before the effective date of this section, or to reduce the amount of the compensation and benefits of the dependents of such a person.

2. The amendatory provisions of NRS 616.027 must not be applied to reduce the average monthly wage of an employee who is receiving compensation for an industrial injury or occupational disease before the effective date of this section.

3. Section 19 of this act does not apply to an employee who, before the effective date of this section, is receiving compensation pursuant to chapter 616 of NRS for an injury that was:

(a) Sustained in the manner described in paragraph (b) of subsection 1 of section 19 of this act; or

(b) Aggravated, precipitated or accelerated in the manner described in paragraph (b) of subsection 2 of section 19 of this act.

4. Section 212 of this act does not apply to an employee who, before the effective date of this section, is receiving compensation pursuant to chapter 617 of NRS for an occupational disease that was:

(a) Contracted in the manner described in paragraph (b) of subsection 1 of section 212 of this act; or

(b) Aggravated, precipitated or accelerated in the manner described in paragraph (b) of subsection 2 of section 212 of this act.

5. Notwithstanding the amendatory provisions of subsections 5 and 7 of NRS 616.545, a claimant may file an application to reopen a claim pursuant to the remaining provisions of NRS 616.545, as amended by this act, before July 1, 1994, if:

(a) The claimant was not off work as a result of the industrial injury;

(b) The claimant did not receive benefits for a permanent partial disability; and

(c) A hearing was requested on the closure of the claim and the claimant received notice of the decision of the hearing officer before July 1, 1993.

6. The amendatory provisions of NRS 616.625 must not be applied to reduce the amount of compensation and benefits that a claimant is entitled to receive for a subsequent injury or disability that occurred before the effective date of this section.

Sec. 288. If the manager of the state industrial insurance system enters into a contract with an organization for managed care pursuant to section 74 of this act, an injured employee who is insured by the system and is receiving medical or health care services for an industrial injury or occupational disease on the effective date of this section may not be required to participate in the plan for managed care until he is determined to be medically stable or changes his physician or chiropractor.

Sec. 289. 1. Except as otherwise provided in subsection 2, any officer or employee of the state or a political subdivision of the state, and any insurer who, on the effective date of this section, is investigating an alleged violation of any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, shall, within 30 days after the effective date

of this section, transfer that investigation and all records relating thereto to the fraud control unit for industrial insurance created pursuant to section 237 of this act.

2. An officer or employee of the state or a political subdivision of the state, or an insurer shall not transfer an investigation or records relating thereto to the fraud control unit for industrial insurance if an information or complaint has been filed.

3. As used in this section, "insurer" has the meaning ascribed to it in NRS 616.1103.

Sec. 290. Notwithstanding the provisions of NRS 616.412, the director of the department of industrial relations shall not, before October 1, 1995, increase the schedule of fees and charges allowable for accident benefits that is required to be established pursuant to that section unless:

1. The manager of the state industrial insurance system enters into a contract with an organization for managed care pursuant to section 74 of this act to provide comprehensive medical and health care services to employees whose employers are insured by the system for injuries and diseases that are compensable under chapters 616 and 617 of NRS; or

2. The governor approves an increase in the schedule of fees and charges.

Sec. 291. 1. Payments for compensation made from the subsequent injury fund for any claim filed by an injured employee insured by the state industrial insurance system must terminate on the effective date of this section, and any future charges for such a claim must be made by the system pursuant to the procedures established pursuant to section 83 of this act.

2. As soon as practicable after the effective date of this section, the director of the department of industrial relations shall cause to be conducted an audit of the subsequent injury fund and return to the state industrial insurance system any excess money in the fund in an amount equal to the system's portion of the assessments paid into the fund pursuant to NRS 616.4261. Any money received by the system pursuant to this subsection must be deposited in the state insurance fund.

Sec. 292. 1. Notwithstanding the provisions of NRS 616.027, for the purpose of calculating benefits for a temporary total disability from the effective date of this section to and including June 30, 1995, "average monthly wage" must be calculated by using the state average weekly wage on the effective date of this section, as computed by the employment security department pursuant to the provisions of NRS 616.027.

2. This section does not affect the calculation of benefits other than those for a temporary total disability.

3. This section must not be applied to reduce the average monthly wage of an employee who has incurred an industrial injury or occupational disease before the effective date of this section.

Sec. 293. The governor shall:

1. Review the laws concerning industrial insurance enacted by the 67th session of the Nevada Legislature;

2. Prepare a report concerning the review that contains an evaluation of the effectiveness of those laws, any recommended programs, proposed legislation and the results of an audit of the state industrial insurance system; and

3. Submit the report to the 68th session of the Nevada Legislature no later than the first Friday in March of 1995.

Sec. 294. 1. This section and sections 1, 2, 5, 6, 10 to 21, inclusive, 21.2 to 22.5, inclusive, 24, 52 to 84, inclusive, 86, 87, 88, 91, 92, 94, 95, 97, 98, 99, 100, 101, 102, 103, 103.5, 104, 105, 106, 107, 111, 112, 114, 115, 116, 118, 119.5, 120, 121, 123, 124, 126, 130, 131, 132, 136, 138, 140, 141, 142, 144, 145, 146, 148, 150, 153, 155, 157, 159, 161, 164, 165, 166 to 169.5, inclusive, 172, 173, 175, 176, 179 to 182, inclusive, 184, 186 to 191.5, inclusive, 193 to 200.5, inclusive, 201.5, 202, 203, 204, 206, 207 to 213, inclusive, 216 to 224, inclusive, 227, 228, 229, 230, 232, 235, 236, 237, 239, 240, 242, 246.3, 249, 250, 251 to 260, inclusive, 261 to 282, inclusive, and 284.2 to 293, inclusive, of this act become effective upon passage and approval.

2. Sections 245 and 246 of this act become effective on July 1, 1993.

3. Section 247 of this act becomes effective at 12:01 a.m. on July 1, 1993.

4. Sections 4.5, 21.1, 84.5, 116.5 and 282.6 of this act become effective on July 1, 1994.

5. Sections 3, 4, 7, 8, 9, 25 to 51, inclusive, 85, 89, 90, 93, 108, 110, 113, 117, 119, 122, 128, 129, 133, 134, 135, 137, 139, 143, 147, 149, 150.5, 151, 152, 154, 156, 158, 160, 162, 163, 170, 171, 177, 201, 205, 206.5, 214, 226, 231, 241, 243, 244, 246.5, 248, 250.5, 260.5, 282.5, 283 and 284 of this act become effective on July 1, 1995.

6. Section 282.55 of this act becomes effective on January 1, 1996.

7. Sections 98.5, 99.5, 100.5, 103.2, 104.5, 106.5, 164.5 and 165.5 of this act become effective on July 1, 1997.

LEADLINES OF REPEALED SECTIONS

616.028 "Board" defined.

616.1703 Board of directors: Number, appointment, qualifications and terms of members; vacancies.

616.1705 Fees and expenses of directors.

616.1707 Officers, bylaws and meetings of board.

616.2223 System authorized to execute agreement for provision of vocational rehabilitation services by state or federal agency.

616.255 Applicability to interstate commerce and certain plans for benefits in effect before July 1, 1947.

616.256 Plans for benefits in effect before July 1, 1947: Determination of sufficiency; effect of negative determination.

616.345 Employer and physician or chiropractor to file report of injury; requirements for report; penalty for noncompliance.

616.537 Insurer required to schedule rating for injured employee after determination by treating physician or chiropractor; contents of rating evaluation.

616.680 Claims for services not rendered; fraudulent acts of medical provider; liability of medical provider.

617.180 Applicability to interstate commerce and certain plans for benefits in effect before July 1, 1947.

617.330 Proceedings on claims for disease or death; limitation.

617.350 Application or claim: Contents; service on insurer.

617.360 Physician's certificate to support claim.".

Amend the title of the bill by deleting the seventh through the tenth lines and inserting: "which those benefits are calculated; prohibiting, under certain circumstances, a provider of health care from referring an injured employee to a health facility or service in which he or certain other persons have a financial interest; revising the management of the".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Assemblyman Evans requested that Assemblyman Giunchigliani's remarks be entered in the Journal.

I would like to attempt to frame the issues that we have faced on Senate Bill No. 316. Because there was no bill in the Senate for 60 days, simply concepts, there was no true public input. In fact when BDR 53-1764 became a bill on March 23 there were no subsequent hearings for testimony, technical corrections or language review. Therefore, the Labor and Management's commitment was to full and open hearings. Information is power—each of our committee members needed to have as much information that would lead them to make a proper decision. Unfortunately, no one could have guessed that so many other hidden agendas were in the SIIS mix. All of these affected our ability to properly consider the legislation. We did our best. Six members voted out a package which we believed eased the injustice that the injured worker and small businesses were asked to bear. We never viewed this as a fight. We were determined and resolved to hear all sides and make our judgments on the facts we gathered. We were determined to let all sides make their viewpoints clear and to reach conclusions in good faith after careful study.

SIIS isn't a problem of two sides. It is a problem of many different sides. There were honest differences about *how* to reform, but the *goal* of reform has been *common* among all of us. The Senate chose to attempt a short-term approach of reform by numbers. We chose to reform by looking at long-term approaches. Perhaps it's a difference between art work done by a paint by number set versus Picasso.

As Burke said, "If I can have no reform without injustice, I will have no reform." There are honest differences about how to reform, but the goal of *reform* has been common. The Assembly Labor and Management committee felt the *zeal* to reform *overlooked* the injustice of too great a burden on too small a group. We fought for a more fair distribution of responsibility for change. We all want the State Industrial Insurance System made whole, workable and affordable. The question to us was how to create reform without injustice. One out of six Nevada workers is injured on the job. This is real pain, suffering and job loss. This represents many millions of dollars in costs to employers. It all represents many millions of dollars in profit for those who treat these injuries. Our focus was the injured worker, those who treat, those who counsel and those small businesses that pay the majority of the costs. It was for these people that we were determined to hold the line. Unfortunately, those who sought to gain from this fight found ways to separate and splinter people off from each other, through rumor, intimidation and a perceived need to get this over with. False time lines always allow for poor judgment and rash decisions. We attempted to play fair, and I personally never went back on my word during the negotiations. A few others attempted to. We were consistent and determined because what we were doing was right. Through support from several Labor and Management committee members and many other members of our caucus, we fought the good fight.

There are still some problems with Senate Bill No. 316.

GOVERNOR CONTROL: I fought along with many, to oppose this position. It was not opposition to the Governor, but rather a further politicalization of the system. The Governor will control under this bill with no board of directors, and I do believe for public access, he will absolutely agree to report to Interim Finance Committee and the Legislative Commission during the interim.

PRE-EXISTING CONDITIONS: With this language we have begun to change the common law of "you hire me as I am." The Senate's language will force us into the courts, but I believe the courts will and shall rule on the side of the injured worker.

VOCATIONAL REHABILITATION: Redefines eligibility but we must use caution to assure that those who truly deserve and need rehabilitation, get it.

MANAGED CARE ORGANIZATIONS: Still, in my opinion, allows discrimination and no guaranteed access on the front end. We even proposed an open/closed panel but others would not budge. We've been assured that there would not be any allowance for "gatekeeper" within any of the managed care organizations. We still must assure through the RFP process that providers are not charged hundreds nor thousands of dollars just to get on a panel. We argued against enriching a few at the expense of many.

DEDUCTIBLES: We attempted originally to remove the mandatory deductible and allow optional selection, but were unsuccessful. We then attempted, after meeting with small businessmen and women to do a $50 for employers under 50, $100 for 50-100 and $300 for all others and $500 for high risk. The Senate moved down to $100 across the board and $1,000 for high risk. We did accept that. I still remain concerned about the high risk because we could cause Nevada companies from being able to competitively bid.

These are just some of the reasons why I am dressed in black and why I still in my heart do not support this bill. That is why this bill is not an agreement, it's not a consensus, rather, it's a bill built upon concessions. It's the best we can do at this point in time. It's a better bill because of my committee's efforts, hard work and refusal to give in. I am very proud of them. As Robert F. Kennedy said, "Each time a man stands up for an ideal, or acts to improve the lot of others or strikes out against injustice, he sends forth a tiny ripple of hope. . ." I hope that we all recognize that reform is evolutionary. I hope that as Governor Miller assumes the responsibility he does so with compassion. In the best interest of my constituents who are working men and women, doctors, chiropractors, attorneys, small businesses and senior citizens, I will support Senate Bill No. 316 which is at least a start and puts us on the road to reform. Thank you, Mr. Speaker.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to the Concurrent Committee on Commerce.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:49 a.m.

ASSEMBLY IN SESSION

At 11:58 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 648, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Tiffany, Gregory, Gibbons, Carpenter, Augustine, Ernaut, Neighbors, Hettrick, Marvel, Scherer, Lambert, Collins, Humke, McGaughey, Sader and Perkins:

Assembly Concurrent Resolution No. 74—Directing the Legislative Commission to conduct an interim study to determine the feasibility of creating an additional school district in Southern Nevada.

Assemblyman Tiffany moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 764—An Act relating to trade practices; making various changes to the statutes governing credit service organizations; providing penalties; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 765—An Act making an appropriation to the account for local cultural activities; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 766—An Act relating to regional transportation commissions; clarifying the provisions governing the composition of regional transportation commissions in certain counties; revising the powers of the regional transportation commission concerning the adoption of certain plans and federal money and projects; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 652.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 827.

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 through 6 as sections 3 through 5.

Amend sec. 4, page 3, line 24, after "*Establish*" by inserting "*and maintain*".

Amend sec. 4, page 3, by deleting line 26 and inserting: "*once each year at a public hearing at which public comment is accepted.*".

Assemblyman Ernaut moved the adoption of the amendment.

Remarks by Assemblyman Ernaut.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 659.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 860.

Amend section 1, page 1, by deleting lines 8 through 11 and inserting:

"*(b) Operator of a mining operation which develops or maintains an artificial body of water containing chemicals directly associated with the processing of ore,*

must first obtain a permit from the department authorizing the development or maintenance of the body of water.".

Amend section 1, page 1, line 18, by deleting: ", *or any change in the operator of a mining operation,*".

Amend section 1, page 1, lines 20 and 21, by deleting: "[of ownership.] *or change.*" and inserting "of ownership.".

Amend the title of the bill to read as follows:

"An Act relating to mining; requiring an operator of a mining operation to obtain a permit from the department of wildlife before developing or maintaining an artificial body of water which contains chemicals directly associated with the processing of ore; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires operator of mining operation to obtain permit from department of wildlife before developing or maintaining artificial body of water which contains chemicals directly associated with processing of ore. (BDR 45-2048)".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 703.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 872.

Amend section 1, page 1, line 4, by deleting "*using*" and inserting: ", *without the knowledge of the officer or employee, by the use of*".

Amend section 1, page 1, by deleting lines 8 through 12 and inserting: "*employer obtains an order authorizing the monitoring from a district judge of a*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Scherer moved that Assembly Bill No. 744 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Scherer.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 747.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 896.

Amend sec. 4, page 3, lines 42 and 43, by deleting: "*pursuant to subsection 3 of NRS 119.122*".

Amend sec. 4, page 3, lines 45 and 46, by deleting: "*pursuant to subsection 3 of NRS 119.122*".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 108.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 858.

Amend section 1, page 1, line 27, by deleting "*conducted*" and inserting "*approved*".

Amend the preamble of the bill, page 1, by deleting lines 1 through 8.

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 163.

Bill read second time and ordered to third reading.

Senate Bill No. 278.

Bill read second time and ordered to third reading.

Senate Bill No. 380.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Scherer moved that Assembly Bill No. 744 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Scherer.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 422.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 897.

Amend section 1, page 1, line 18, by deleting "65" and inserting "[65] *85*".

Amend section 1, page 1, line 20, by deleting "50" and inserting "[50] *65*".

Amend section 1, page 2, by deleting line 25 and inserting: "any university or community college of the University and Community College System of Nevada.".

Amend sec. 2, page 2, line 26, after "effective" by inserting: "at 12:01 a.m.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 485.

Bill read second time and ordered to third reading.

Assembly Bill No. 744.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 869.

Amend sec. 2, page 1, line 7, after "any" by inserting: "type of ride including, without limitation, any".

Amend sec. 2, page 1, line 8, after "route" by inserting "primarily".

Amend sec. 2, page 1, line 9, by deleting "term includes" and inserting "terms include".

Amend sec. 3, page 1, by deleting lines 14 through 19 and inserting:

"Sec. 3. An operator shall take all measures reasonably necessary to ensure the safety of the passengers in constructing, maintaining, operating and supervising an amusement ride.".

Amend sec. 4, page 2, line 2, by deleting: "are loaded on" and inserting "embark upon".

Amend sec. 5, page 2, line 10, by deleting "an" and inserting: "the time and".

Amend sec. 5, page 2, line 15, by deleting "reasonable".

Amend sec. 5, page 2, line 18, by deleting "interferes" and inserting "could interfere".

Amend sec. 6, page 2, line 24, by deleting the semicolon and inserting: "or announced by an authorized agent or employee of an operator;".

Amend sec. 7, page 2, line 29, by deleting "another passenger." and inserting "another.".

Amend sec. 10, page 3, by deleting lines 18 and 19 and inserting: "his injuries, the report must be filed as soon as practicable, but in no event later than 120 days after the incident.

5. Reports filed pursuant to this section must be maintained by the operator for at least 3 years after the date of the injury described in the report and must be available for inspection by the injured person or his authorized agent during regular business hours.".

Amend the bill as a whole by renumbering sec. 11 as sec. 12 and adding a new section designated sec. 11, to read as follows:

"Sec. 11. This chapter does not prohibit a county, city or unincorporated town from adopting ordinances that regulate amusement parks which are consistent with the provisions of this chapter.".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 247.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Assembly Bill No. 247:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 247 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 415.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Assembly Bill No. 415:

YEAS—31.

NAYS—Anderson, Collins, Ernaut, Evans, Gibbons, Heller, Lambert, Price, Scherer, Smith—10.

Absent—Haller.

Assembly Bill No. 415 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:14 p.m.

ASSEMBLY IN SESSION

At 12:19 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Commerce, to which was referred Senate Bill No. 316, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

GENE T. PORTER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Senate Bill No. 316 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Porter moved that Senate Bill No. 316 be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 316.

Bill read third time.

Remarks by Assemblymen Porter, Kenny, Collins, Ernaut, Price, Anderson, Bache, Carpenter, Regan and Freeman.

Assemblyman Evans requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. I have a real long floor statement, but Senate Bill No. 316 is SIIS.

ASSEMBLYMAN KENNY:

Thank you, Mr. Speaker. Mr. Speaker, today I stand in philosophical opposition to a bill I will be voting for. Senate Bill No. 316 presents us with a myriad of issues—both political and practical. As we all have been told, SIIS must be fixed—must be put on course. Our goal, as a member of the Labor and Management Committee, was to do that in the context of a supremely flawed bill sent over to us from the Senate.

We disagreed strongly with the numbers used, re-used, discarded, altered and fixed to fit some arbitrary goal of savings needed to get SIIS back on course. Initially, we were presented with a request from the executive branch for a mandatory $400 deductible for every business. Senate Bill No. 316 then presented itself offering a $200 deductible instead.

Small business fiercely objected to this portion of the bill. Gaming did not. Unfortunately, as our state is unique in its makeup, we think of business as gaming. In reality, small businesses employ the majority of workers in this state and across America. I am a

small business owner; I understood completely their concerns. Small business objected to a hidden rate increase in the form of this mandatory deductible. Indeed, that is exactly what it was. Today, Senate Bill No. 316 takes at least one step toward protecting the small business owner in that the mandatory deductible has been lowered to $100.

I wish us luck with the plans put forward in Senate Bill No. 316, for most assuredly, Mr. Speaker, we will need it. Thank you.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. To you and through you to this body, I first want to commend all the members of the Labor and Management Committee in the Assembly for their input and their many hours of hard work trying to reform the problem with worker's comp; trying to find ways to better treat injured workers and still allow business to thrive and survive in Nevada. Our chairman has done an outstanding job representing workers, small and large business, and everyone who operates in the State of Nevada, and I think she has done an outstanding job. I want to publicly commend her. She stood for all of us against a lot of big influences, and she stood up strongly and represented us well.

There has been a perception of a crisis that has just snowballed, and so we have maybe made this a bigger thing than it is. Two years ago you passed Senate Bill No. 7, and it started us on the way to repairing the worker's comp problem. But also created here with this bill before you that you have to vote on is allowing governor control that has already been there. The executive of this state has always chosen the board that ran the program; has always chosen the appeals officers that "handed out the money" to the injured worker and the attorneys.

The attempts made by the Assembly Committee to bring about a balanced and fair piece of legislation have been a valiant attempt to reform the program in the State of Nevada, and there is not very much of it left in this bill; however, the good parts of this bill are that there will be a fraud unit by the attorney generals office, but there are a lot of things we have lost in it. Injured workers and the citizens of Nevada elected you to represent them and not special interests. I hope that we will be able to follow up this bill with reform that is fair reform that will protect small business who employ most of the people and will protect the workers in this state.

There are statements that an MCO is going to save us $63 million. A closed panel MCO is going to create a two-tiered medical society. You are going to have cheap care for injured workers and everybody else can go to their own doctor. There are some real problems. The deductibles are going to erode legislation we passed this session that was to bring Nevada workers back into Nevada to work, keep them here working and give Nevada employers a job. One of those bills is Assembly Bill No. 205 that the governor already signed. We're trying to pass bills that help Nevadans work to improve the economy and the diversity of this state.

I am very concerned because this legislation's goals from the Senate side, and also many attempts by some people who have influenced this legislation, was purely to save money or to meet some perceived crisis budget rather than to reform a system that would improve the safety and working standards and improve the treatment and the management of treatment of workers in the State of Nevada.

Many of you found on your desk yesterday a statement from the Journal from the Senate from Senator Brown, and it started off with, "It was with great sadness that I voted to pass along to the Assembly a bill which includes . . .", and it goes on. I have to agree with Senator Brown today that it's with great sadness that I see the bill presented before you that many of you are going to vote for. My hope is that you will strive, as representatives of citizens of Nevada, to improve upon what is going to pass here today. Thank you.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. Today I stand in support of Senate Bill No. 316. Worker's Compensation reform has proven to be the most devisive, emotional, important issue that has faced Nevada in many years. In the deliberations we had, we faced two wholly separate issues, one chronic and one acute. Firstly, the chronic problem was to adopt substantial management policy for a system that was over $1.4 or $2.2 billion in debt in

such a way that the environment did not continue to exist to allow this problem to happen again and again. Secondly, the acute problem was the emergency situation we were presented with, a system hemorrhaging at a rate of $1 million a day.

These problems independently were intimidating enough. However, when you sprinkled in the hundreds of special interest groups, desperately trying to perpetuate their piece of the pie, the problem became exponentially worse.

The members of this committee felt the pressure from all sides, but not the pressure of being lobbied, per se, but the pressure to remain focused on the task at hand, and that task was to return an injured worker to work as whole, as expediently, as possible while balancing the obvious financial responsibility that we had to the businesses of this state. In short, a precarious balance had to be reached between labor and management. I think Senate Bill No. 316 went a long way in reaching that balance.

Some will say that labor lost and benefits were cut. Some will say that business lost because premiums were raised, but I learned from a political mentor of mine, Lou Bergevin, on the day that I first came into this building that when everybody walks away from a deal equally unhappy, you've got a pretty good deal.

When hearings began, I said this issue would not be fairly dealt with until all affected parties checked their pound of flesh at the door. I think that most of the people close to this issue will tell you that everybody left with the same size Band-Aid. When the dust settles, some people will say that we were extremely harsh on some companies, unsafe companies. I say good. If you are unsafe, you don't deserve to do business in the State of Nevada. Some people will say that we were harsh on some workers who stretch the rules, tried to stay on the system a little longer. Again, I say good. If you defraud this system, you deserve to be caught, you deserve to be prosecuted.

If we dissect Senate Bill No. 316 under a microscope, everyone in this house, probably everyone in the audience, can find something wrong with it, find something that personally is dissatisfying to them. So I'm going to confine my remarks here to what is right. Two main points we succeeded in, one was the cutting-edge reform in vocational rehabilitation, which is probably the largest cost driver in the system. We also succeeded in language that made fraud extremely difficult to perpetuate in the system. Since these two issues drive nearly 45 percent of those costs, we did a dang-good job on that.

All in all, Senate Bill No. 316 is a good bill. It is built on compromise and negotiation, something that I am proud of, and I think all Nevadans should be proud of. We succeeded.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you to this honorable body, I will be voting against Senate Bill No. 316 today, but I would like to recognize and congratulate our distinguished—if I may add, distinguishable—Assemblyman from District 9, chairman of the Labor and Management committee for her extraordinarily hard work in trying to preserve as much as she could for the injured workers of Nevada, and to our distinguished majority leader for his hard work, and to the committees for their hard work on this bill. I've been here long enough to know that we seldom—and particularly a subject matter as contentious as this has been—get out of here with something that is acceptable to everyone. Like you, Mr. Speaker, I have gone through some evolutions with the industrial insurance system over the years, and it looks like we didn't quite have the right answer the last few years, or perhaps we should have looked at it before now.

According to my understanding with just a little bit of research in the last few days, we have in the neighborhood of 645,667 employees in Nevada. We have 30,521 employers, so defined. I am told that in 1992—and I am not sure if this comes to the sixth one out of every six—we had some 82,000 injured workers, and in 1993 to date, some 71,000 injured workers. I would have hoped that we would have been able, at this point, to have reached a compromise among ourselves in this house that would have returned a bill to our colleagues down the hall with a little more concern and consideration for those injured workers. Now we all know, and I have been around long enough to know, that we don't believe everything that we read in the paper, but perceptions, and occasionally even reality, seeks its way out through the media, and as I was looking at the list of winners and losers on the front page of today's paper, I saw, "Issue, managed care—winner, the governor; loser, the injured workers. SIIS management—winner, the governor; loser, the

current SIIS board" which we created a number of years ago, and apparently, at this point in time by my perception, did not give as much authority to operate that system as we should have. It was the intention years ago to set that up like a business. However, "Compensation—winner, the governor; loser, injured workers. Benefits—winner, governor; loser, injured workers. Job training—loser, injured workers. Reopening cases—loser, injured workers." In all good conscience, understanding political reality, I still cannot support the measure that we are sending over. I appreciate our governor and his efforts; I would respectfully suggest that I probably have more injured workers who will be losers than I have governors who live in my district.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in support of Senate Bill No. 316 in its current reprint. First of all, I want to make it very, very clear that there is no one more courageous in standing for injured workers than the distinguished chairman of the Labor and Management Committee. There is no finer representative of her district nor of injured workers. She has fought far beyond merely the accolades of a good fight. Hers is not a fight of concession, but of recognition of concession to concede to the position to move this bill forward. Indeed, I am sure she would be standing toe to toe had she had the full support of many members, including myself, in that committee. Therefore, I cast that aspersion on myself.

I'm supporting this bill, and ask others to do so, because of the perception and the reality of the world in which we live. When we first began, in the first week of this session, the chief executive officer of the State of Nevada appeared before us, as is required by law, and told us of the major issues and problems we faced. Indeed, throughout this country, workman's compensation is in trouble, and he told us in his state-of-the-state that the other governors could not imagine the depth of our problem. Perception is that this state needs to attract new businesses, needs to move itself away from being tied to itself to a single industry. We need to straighten this system out because our workers need jobs. The working people of this state need protection and they need jobs. This is only a start. This is a turn, I believe, and I hope that the executive department of this state has the courage to face the reality of the problem, to face it with as much courage as my distinguished colleague from Assembly District 9 did. And remember that there are people behind this and not just numbers.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. To you and through you, Senate Bill No. 316, as amended, is not a perfect bill. I would not even call it a good bill, but it is the least of all evils that can be passed this session. There are some good points to Senate Bill No. 316, such as the SIIS fraud unit for the Attorney General's Office, and most of the vocational rehabilitation language as amended by the Labor and Management Committee. However, there are a number of items in this bill that are devastating to injured workers and small businessmen. First of all the mandatory deductible of $100 is far more burdensome to small employers than to large employers. In addition, the deductible for the employers in the high risk pool, while a good idea, is set too high at $1,000, and may put some of the smaller businesses out of business.

Senate Bill No. 316 has been purported to freeze the average monthly wage for employees for two years, but in reality it is a three-year freeze, because the last one was increased on July 1, 1992, and the next change will occur on July 1, 1995. Senate Bill No. 316 is inequitable to those with pre-existing conditions, and this issue will result in many court cases. In the Labor and Management Committee, I asked how former Senator Stephanie Tyler would be affected by this section of the bill. She was injured in an airplane crash a few years ago which is well-known and documented. The response from the attorney for the system was, if she had been in a heated discussion with someone, another lobbyist in the hallway, and was knocked down or thrown against a wall, I asked if she would be covered or not. The answer was, "Maybe, maybe not, probably not."

Senate Bill No. 316 will give the Governor total control of the system. As a result, the management team, put into place two years ago, brought these many problems to light, will more than likely be dismissed. Politics and personalities will determine the direction of SIIS for the next two years. I predict many SIIS employees will leave the system, and

that policy holders and injured workers in the system will be worse for it. People will be denied access to the system. This will cause workers to file for welfare, impact county hospitals and the general fund of the State of Nevada.

I would like to thank the chairman of Labor and Management for her hard work on this legislation. She knows how I feel on this issue. Thank you, very much.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. As the loyal opposition, I would like to thank the chairman of our committee. She was always gracious. Always let us tell our stories and I want to thank her for that. I know that this is a tough deal for everybody. But, the way I look at it if we do not fix this system now, the big loser is the injured worker and the taxpayer of Nevada. I have concerns with Senate Bill No. 316, but I am going to vote for it. I think after sitting through about six weeks of testimony there are some things I should point out. I think maybe we are not going far enough and are not going to fix the system which we should. I think if we have to come back and do it again it is going to be just that much more evasive and much more hard feelings.

The magic number I always heard was $300 million. I think that came from the Governor and his representative. Although, it may have been over a period of two years, an average of $300 million, what we have now came over from the Senate at $261 million, and now we have cut that down to $240 million, if we can believe the figures. I think we all know that when we make a budget of our own in our home or in our business, we have got to leave a little leeway in there for possible downturn and mistakes. I do not think we have that plugged into this particular situation.

The way Senate Bill No. 316 is now it is not going to be solvent until 2002. That is ten years. I think that is a long time for an industrial insurance system to become solvent. I really have a concern with the managed care language. Managed care is the second largest savings in Senate Bill No. 316, some $63 million. We have a couple of items in there that I think may prevent managed care from working. I hope I understand the deal of, you know we all want to go to our own doctor and all this thing, but I think managed care works, at least with the people that I have talked to. They say that it works, and we can have some real savings. It shows us in this bill.

If we have a situation here where you are going to have to have seven managed care organizations in the southern area of the state and three in the north, I mean five, I think that might prevent the Governor from getting the managed care organization that he wants. I do not think we should be doing that. Vocational rehabilitation is the largest savings that we have and, well it should be, because it now uses 25 percent of the premium dollar. It came over from the Senate with a number of specific areas based upon a percentage of impairment. The bill we have now is much more liberal than when it came from the Senate. I hope we have not made a mistake here and that we are not going to realize the $66 million in savings.

The philosophy on the permanent parts of disability injuries, I think, is a situation that I would like to see handled much differently. The Senate cut that down from six percent to five percent. Now we have 5.4 percent in the bill and we lose $10 million. I think we could have given a lower rate, a lower percentage to those injured workers that maybe did not need to so much and increased it to the people who were really hurt the most and still saved our $10 million.

In our committee we removed the temporary total disability limitation, commonly known as the five-day wait. We really needed to do that because that was very punitive to the injured worker. I think the committee should have also removed the freeze on the average monthly wage. That is a punitive situation that is going to come back to haunt the system. They are going to have to come up with a lot of money in a few years. This is probably the biggest mistake we made as far as the injured worker is concerned. As far as the deductible, granted we helped the small businessman, and in reality we did not increase his rate quite so much, but when you put a $1,000 on the unfortunate 500, that is a pretty large hit. I think we should have done other things such as help them with their safety program, help them with claims management. A $1,000 deal could put some of our people out of business.

I am a little bit concerned, I guess not a little bit, a lot of concern that we had the opportunity to save another $25 million when we did not put in the discount rate. If we had lowered the market discount rate or made it 9.5 percent, we could have saved $25 million. I think maybe that is the biggest mistake we made and would hopefully have prevented a premium increase which we are probably going to have to be having here. There are other things that we could have done, but we did not.

Out of our committee, it was voted that we lower the age limit from 70 down to 65. That would have saved us over $11 million. Most states do that. They have coordinated benefits. When social security or a pension plan comes in, then you can reduce that. That would have saved a lot of money. My final thought is the Governor is taking on a huge responsibility. I really do not know why any politician would want to do it. I just hope that he has a special guardian angel and that guardian angel has SIIS printed in large letters on both wings and below SIIS are the words, so help me God.

ASSEMBLYMAN REGAN:

Thank you, Mr. Speaker. To you and through you to this honorable body, I, too, was a member of the Labor and Management Committee for the past three or four months working on this bill. As a small businessman in my other life, when we are not here, I support this bill. I would suggest that my colleagues do so, also. As you have heard from other speakers, it is not a perfect bill. You have heard winners and losers, but as my esteemed colleague from Elko has reminded us, the taxpayers of Nevada will all be losers if we do not pass this bill. Thank you.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I stand in support of Senate Bill No. 316. I do have some concerns as everybody else does. Those of you who understand that I do have a long history in the field of health care. My major concern is that we do not consider managed care a silver bullet. It is not going to cure the issue of the cost of health care. The management on how it is done, the utilization review, the quality of care, the cost, unless that is monitored and watched very carefully, this whole program with everything that has gone into it, collapses on itself. I hope that this program is funded adequately, that we will hire the best and the most talented across the nation to run this program. The onus is on the Governor and the Governor's Office. I hear they are commited. To me, that is the proof of the pudding, when two years from now we find managed care has adequately addressed the issues of the quality of health care and the delivery and assistance. When you talk about health care, you also have to talk about safety training. Maybe I missed it, but I did not see a lot in the bill about requirement encouragement to companies to provide and enforce safety procedures within their company. I think that is absolutely critical. Companies who do it in a way that is proven to be effective should be rewarded and those who do not, should be punished. We must teach people to care for themselves and insist upon it in the job market. I do intend to vote for the bill. We will all take a look at it two years from now. I hope it works.

Roll call on Senate Bill No. 316:

YEAS—37.

NAYS—Bonaventura, Collins, Perkins, Price—4.

Absent—Haller.

Senate Bill No. 316 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Assemblyman Porter moved that all rules be suspended and that Senate Bill No. 316 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Porter moved that the Assembly recess until 2 p.m.

Motion carried.

Assembly in recess at 12:58 p.m.

ASSEMBLY IN SESSION

At 2:10 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 402, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 75—Directing the Legislative Commission to conduct an interim study on the financing for the construction, maintenance and repair of highways.

Assemblyman Myrna Williams moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 767—An Act relating to the tax on motor fuel; removing aviation fuel from the category of motor vehicle fuel; reducing the rate of the tax on aviation fuel; specifying how the proceeds of the tax may be used; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 768—An Act relating to taxation; providing an exemption for property primarily used to conserve energy or to derive energy from nonfossil fuels; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 769—An Act relating to the Airport Authority of Carson City; requiring certain payments by Carson City to provide additional revenue for the authority; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 770—An Act relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide a definition for the phrase "amount of the rental charged" for purposes of the act; contingently providing the same definition for certain analogous taxes; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Taxation.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 565.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Assembly Bill No. 565:

YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 565 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 603.

Bill read third time.

Remarks by Assemblymen Sader, Tiffany and Regan.

Roll call on Assembly Bill No. 603:

YEAS—40.
NAYS—None.
Absent—Haller.
Not voting—Porter.

Assembly Bill No. 603 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 637.

Bill read third time.

Remarks by Assemblyman Smith.

Roll call on Assembly Bill No. 637:

YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 637 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 641.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Assemblyman Smith requested that Assemblyman Giunchigliani's remarks be entered in the Journal.

Thank you, Mr. Speaker. Assembly Bill No. 641 authorizes the governing bodies of a county, its largest city, and any other incorporated city to enter into an interlocal agreement consolidating certain services provided by those governments. The measure outlines the services which may be considered for consolidation, such as fire services, land use planning, and business licensing. The bill allows the governing bodies to establish a permanent administrative entity to oversee the consolidated services and to negotiate the amount each body will contribute to the budget of the administrative entity.

Further, Assembly Bill No. 641 requires Nevada's Department of Taxation to analyze the budgets of the parties to such an interlocal agreement for five years to determine if any savings result from the agreement. If the department determines that no saving has resulted, it shall notify each party to the agreement and the Legislative Counsel Bureau of its finding. If such a determination is proclaimed, this act expires by limitation at the end of the fiscal year during which the proclamation is made.

At least today I get to speak on a very good bill. In fact, it is a good government bill. Assembly Bill No. 641 embodies what Osbourne and Gaebler's book, "Reinventing Government," where they reflect in their preface the people's lack of confidence in government stems not from what government should operate, but instead on how government should operate.

Government exists to serve its citizens, in other words, its customers. Yet, some of those in government do not seem to think of the taxpayer as a customer. People want not only the value from government services, but they want to feel valued as well.

Those of us that chose government at this point in time as public officials, who also happen to be taxpayers, have all too often witnessed the arrogance of the bureaucracy. That is what this bill is all about. Despite the bureaucratic quagmire and administrative fears that we must recognize in Nevada that you and I grew up in or moved to, has changed. The good-old-boy network is outmoded and improper. The games for the sake of games, the protection of territory and power is intolerable, and a lack of vision, planning and willingness to buck the system is unacceptable. Those of us who believe we can do better believe that one mechanism happens to be through the consolidation of governmental services and in turn hopefully down the road governmental entities.

We must make government user-friendly, efficient and competitive. If you have a bloated administration and duplicate departments, you have a tendency to create atmosphere ripe for cronyism and ineffectiveness. My district, which is located in the city of Las Vegas, the people there want services, need services and are willing to pay for them. All they want to know is that the money is well spent and going to services they are providing the tax for.

The state is ready for change, and not change for just change's sake, but true substantial change for better government for the people that it serves. I would urge your adoption of Assembly Bill No. 641.

Roll call on Assembly Bill No. 641:

YEAS—40.
NAYS—None.
Absent—Haller.
Not voting—Scherer.

Assembly Bill No. 641 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 642.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Assembly Bill No. 642:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 642 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 644.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Assembly Bill No. 644:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 644 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 653.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 653:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 653 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 669.

Bill read third time.

Remarks by Assemblymen Bonaventura, Sader, McGaughey and Porter.

Assemblyman Porter moved that Assembly Bill No. 669 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

Assembly Bill No. 705.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Bill No. 705:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 705 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 715.

Bill read third time.
Remarks by Assemblyman Scherer.
Roll call on Assembly Bill No. 715:
YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 715 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 719.
Bill read third time.
Remarks by Assemblyman Sader.
Assemblyman Sader moved that Assembly Bill No. 719 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Sader.
Motion carried.

Assembly Bill No. 721.
Bill read third time.
Remarks by Assemblyman Perkins.
Roll call on Assembly Bill No. 721:
YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 721 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 740.
Bill read third time.
Remarks by Assemblyman Freeman.
Roll call on Assembly Bill No. 740:
YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 740 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 741.
Bill read third time.
Remarks by Assemblymen Wendell Williams, Humke and Collins.
Roll call on Assembly Bill No. 741:
YEAS—27.
NAYS—Augustine, Collins, Evans, Freeman, Gibbons, Giunchigliani, Hettrick, Humke, Kenny, Marvel, Price, Sader, Scherer, Mr. Speaker—14.
Absent—Haller.

Assembly Bill No. 741 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Assembly Joint Resolution No. 37 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Freeman.

Motion carried.

Assemblyman Price moved that Senate Bill No. 95 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Price.

Motion carried.

Assemblyman Price moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 2:52 p.m.

ASSEMBLY IN SESSION

At 3:02 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 17, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 115, 124, 486, 626.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 175, 192, 235, 383, 462, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 303, 444.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 106, 230, 231, 405, 508, 517.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 311.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Concurrent Resolution No. 17.

MARY JO MONGELLI
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Senate Bill No. 10.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 10:

YEAS—41.

NAYS—None.

Absent—Haller.

Senate Bill No. 10 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 89.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Senate Bill No. 89:

YEAS—38.

NAYS—Porter, Price, Wendell Williams—3.

Absent—Haller.

Senate Bill No. 89 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 152.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Senate Bill No. 152:

YEAS—41.

NAYS—None.

Absent—Haller.

Senate Bill No. 152 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 159.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Senate Bill No. 159:

YEAS—41.

NAYS—None.

Absent—Haller.

Senate Bill No. 159 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 201.

Bill read third time.

Remarks by Assemblyman Augustine.

Roll call on Senate Bill No. 201:

YEAS—40.

NAYS—Price.

Absent—Haller.

Senate Bill No. 201 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 212.

Bill read third time.

Remarks by Assemblyman Humke.
Roll call on Senate Bill No. 212:
YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 212 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 262.
Bill read third time.
Remarks by Assemblyman Spitler.
Roll call on Senate Bill No. 262:
YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 262 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 313.
Bill read third time.
Remarks by Assemblymen Wendell Williams, Giunchigliani, Scherer, Smith, Price, Anderson and Bache.
Roll call on Senate Bill No. 313:
YEAS—36.
NAYS—Hettrick, Lambert, Marvel, Scherer, Tiffany—5.
Absent—Haller.

Senate Bill No. 313 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 437.
Bill read third time.
Remarks by Assemblymen Carpenter, Price, Humke, Smith and Ernaut.
Assemblymen Toomin, Scherer and Bache moved the previous question.
Motion carried.
The question being on the passage of Senate Bill No. 437.
Roll call on Senate Bill No. 437:
YEAS—33.
NAYS—Carpenter, Ernaut, Gregory, Lambert, McGaughey, Marvel, Neighbors, Porter—8.
Absent—Haller.

Senate Bill No. 437 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 478.
Bill read third time.
Remarks by Assemblyman Smith.

Roll call on Senate Bill No. 478:

YEAS—39.

NAYS—Bonaventura, Collins—2.

Absent—Haller.

Senate Bill No. 478 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 503.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Senate Bill No. 503:

YEAS—41.

NAYS—None.

Absent—Haller.

Senate Bill No. 503 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 37.

Resolution read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Joint Resolution No. 37:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Joint Resolution No. 37 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Wendell Williams, Petrak, Hettrick, Bonaventura, Perkins, Carpenter, Bennett, Augustine, Collins, Arberry, Porter, Gibbons, Freeman, Smith, Bache, Toomin, Chowning, Schneider, Spitler, de Braga, Price, Haller, Anderson, Ernaut and Kenny:

Assembly Concurrent Resolution No. 76—Directing the Legislative Commission to conduct an interim study of the criminal justice system in Nevada.

Assemblyman Porter moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 485 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 771—An Act relating to schools; requiring the board of trustees of a school district to establish a policy which prohibits the activities of criminal gangs on school property; providing that the policy must prohibit a pupil from wearing any clothing or carrying any symbol on school property which denotes membership in or an affiliation with a criminal gang; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 772—An Act relating to contractors; providing that a person who installs certain equipment or fixtures is a contractor for the purposes of required licensure; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 106.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 230.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 231.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 303.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 405.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 444.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 508.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 517.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 485.

Bill read third time.

The following amendment was proposed by Assemblyman Dini:

Amendment No. 822.

Amend sec. 2, page 1, line 13, after "*may*" by inserting: ", *at the expense of the division,*".

Amend sec. 3, page 1, line 16, by deleting "*that*" and inserting: "*which, except for ordinances and regulations regarding any prerequisites to the classification of a manufactured home or mobile home as real property pursuant to NRS 361.244,*".

Amend sec. 3, page 1, line 23, by deleting "*provisions.*" and inserting: "*provisions, except for an ordinance or regulation regarding any prerequisites to the classification of a manufactured home or mobile home as real property pursuant to NRS 361.244.*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that Assembly Bill No. 735 be placed on the Second Reading File.

Remarks by Assemblyman Price.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 735.

Bill read second time, ordered engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 202.

The following Senate amendment was read:

Amendment No. 715.

Amend section 1, page 1, line 8, by deleting the open bracket.

Amend section 1, page 1, line 9, by deleting "the] *The*" and inserting "the".

Amend section 1, page 1, by deleting lines 14 through 19 and inserting:

"3. In preparing the list, the legislative counsel shall [not] *:*

(a) Not include the name of the legislator who has requested the preparation of a measure until:

[(a)] *(1)* The particular measure is introduced in the legislature; or

[(b)] *(2)* The legislator requests that his name be disclosed as the requester of the measure,

whichever occurs first.

(b) If a standing or special committee of the legislature requests a measure on behalf of a legislator or organization, include the name of the standing or special committee and the name of the legislator or organization on whose behalf the measure was originally requested.".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 218.2477 is hereby amended to read as follows:

218.2477 [The legislative counsel shall, upon request, disclose the name of the legislator who has requested the preparation of a measure through a standing or special committee of the legislature if:

1. The measure is introduced in the legislature; or

2. The legislator requests that his name be disclosed as the requester of the measure.] *If a standing or special committee of the legislature requests the preparation of a measure on behalf of a legislator or an organization, the measure must indicate the name of the standing or special committee and the legislator or organization on whose behalf the measure was originally requested.*".

Amend the title of the bill to read as follows:

"An Act relating to the legislature; requiring the disclosure of the name of the legislator or organization on whose behalf a request for the preparation of a legislative measure was requested if the request was made by a special or standing committee of the legislature; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions relating to disclosure of certain information concerning preparation of legislative measures. (BDR 17-1456)".

Assemblyman Price moved that the Assembly concur in the Senate amendment to Assembly Bill No. 202.

Remarks by Assemblyman Price.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 77, 540, 561; Senate Bills Nos. 72, 119.

Assemblyman Porter moved that the Assembly adjourn until Friday, June 18, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 3:52 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-SECOND DAY

CARSON CITY (Friday), June 18, 1993

Assembly called to order at 11:21 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present except Assemblymen Carpenter and Haller, who were excused.

Prayer by the Chaplain, The Reverend Albert Tilstra.

O God, our Father, let us not be content to wait and see what will happen but give us the determination to make the right things happen. While time is running out, save us from patience which is akin to cowardice. Give us the courage to be either hot or cold, "to stand for something, lest we fall for anything." In Your Name we pray. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Bennett moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 520, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 596, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Joint Resolution No. 39, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 63, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 231, 408; Senate Joint Resolution No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 708; Senate Bill No. 49, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 17, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 48.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 63.

Resolution read.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 877.

Amend the resolution, page 1, line 16, after "the" by inserting: "health division of the department of human resources and the".

Amend the resolution, page 1, line 19, after "public" by inserting: "and the media".

Amend the resolution, page 1, line 22, after "to" by inserting: "the health division of the department of human resources and".

Amend the preamble of the resolution, page 1, by deleting line 11 and inserting: "and

WHEREAS, The building and planning departments of several local governments in this state have already adopted national standards or other requirements for fences and other barriers to entry for private swimming pools; now, therefore, be it".

Assemblyman Toomin moved the adoption of the amendment.

Remarks by Assemblyman Toomin.

Amendment adopted.

Resolution ordered reprinted and engrossed.

Assemblyman Garner moved that Assembly Bill No. 11 be taken from the General File and re-referred to the Committee on Government Affairs.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Freeman moved that Senate Bill No. 402 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Freeman.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 528 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 735.

Remarks by Assemblyman Sader.

Motion carried.

Senate Concurrent Resolution No. 48.

Assemblyman Wendell Williams moved the adoption of the resolution.

Remarks by Assemblymen Wendell Williams, Collins, Chowning and Myrna Williams.

Assemblyman Humke requested that the following remarks be entered in the Journal.

ASSEMBLYMAN WENDELL WILLIAMS:

Thank you, Madam Speaker pro Tempore. It is an honor to be able to move for the adoption of this resolution. It has been said by a great man that the ultimate measure of a man or woman is not where they stand in moments of company convenience, but where they stand in moments of challenge and controversy. Cesar Chavez was one who is clearly indicative of this type of thinking and vision. That vision would transpire not only for this resolution, but for many years to come. Hopefully, this small body in the State of Nevada can show that we understand and appreciate people, not only with high intelligence, but intelligence that moves other people for the good of all mankind. I am very honored to move for adoption of this resolution.

ASSEMBLYMAN COLLINS:

Thank you, Madam Speaker pro Tempore. I rise in support of this resolution. In the summer of 1969, I worked in a great potato and fruit shed in Bakersfield, California, on East Highway. At that time, Mr. Chavez was struggling and fighting hard to represent people, such as myself and my family members, who still live in Bakersfield and work in the produce industry. I am very proud of what that man did for the working people, especially migrant workers, who have a better life because of his hard work. I strongly support this resolution.

ASSEMBLYMAN CHOWNING:

Thank you, Madam Speaker pro Tempore. I stand in support of Senate Concurrent Resolution No. 48. I was very, very proud and happy to have been able to live when this great man, Cesar Chavez, did. He truly stood for the common worker. He did something all of us should do, and that is give a voice to those who do not have a voice. It is through this voice their wishes can be heard. That is something we all should fight for as well. Thank you.

Madam Speaker pro Tempore requested the privilege of the Chair for the purpose of making the following remarks:

I, too, had the honor of meeting Cesar Chavez. I must say it is with great sadness his voice has been stilled.

Resolution adopted unanimously.

By Assemblymen Augustine, Bonaventura and Giunchigliani:

Assembly Concurrent Resolution No. 77—Designating October as Italian-American History Month.

WHEREAS, Italian-Americans have contributed greatly to making the United States the world's greatest nation; and

WHEREAS, Italian-Americans have made the United States a better place to live by giving their expertise, energy and enthusiasm in such diverse areas as public life, business, music, sports, cinema and science; and

WHEREAS, Among the Italian-Americans making major contributions in the area of public life are Philip Mazzei, Fiorello LaGuardia, Peter Rodino, Judge John Sirica, Mario Cuomo, Joseph E. Dini, Jr., William J. Raggio and Frankie Sue Del Papa; and

WHEREAS, Among the Italian-Americans making major contributions in the area of business are Lee Iacocca, A.P. Giannini, Andrea Sbarbaro and Jeno Paulucci; and

WHEREAS, Among the Italian-Americans making major contributions in the area of music are Arturo Toscanini, Frank Sinatra, Tony Bennett, Frank Zappa, Dean Martin, Henry Mancini and Perry Como; and

WHEREAS, Among the Italian-Americans making major contributions in the area of sports are Joe DiMaggio, Rocky Marciano, Vince Lombardi, Linda Fratianne, Tommy LaSorda and Joe Montana; and

WHEREAS, Among the Italian-Americans making major contributions in the area of cinema are Anne Bancroft, Frank Capra, Francis Ford Coppola, Martin Scorcese, Sylvester Stallone, Robert De Niro, Al Pacino and Annette Funicello; and

WHEREAS, Among the Italian-Americans making major contributions in the area of science are Pietro Rossi, Enrico Fermi, Emilio Segre and Salvador Luria; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 67th session of the Nevada Legislature, recognizing the role of Italian-Americans in the growth and development of Nevada, designate the month of October as Italian-American History Month; and be it further

RESOLVED, That residents of the State of Nevada are hereby urged to observe the month with appropriate ceremonies and activities.

Assemblyman Augustine moved the adoption of the resolution.

Remarks by Assemblymen Augustine, Porter, Giunchigliani, Dini, Smith and Bonaventura.

Assemblyman Humke requested that the following remarks be entered in the Journal.

ASSEMBLYMAN AUGUSTINE:

Thank you. The Italians have been very instrumental in the shaping of America, from the discovery of America by Christopher Columbus in October, 1492, to the naming of the Americas after the explorer Amerigo Vespucci. Italians have made contributions in this country for the past 500 years, and it is also an honor that our distinguished Speaker of the Assembly, Joseph Dini, Jr. and the Majority Leader of the Senate, William Raggio, and our distinguished Attorney General are Italians. We felt that it was only appropriate that we have an Italian history month this year in October, and it is just unfortunate that our majority leader is not Geno Portini. Thank you.

ASSEMBLYMAN PORTER:

Thank you, Madam Speaker pro Tempore. I rise in support of Assembly Concurrent Resolution No. 77. If I did not, I would be without a law partner in about five minutes. As you know, my partner, Dominic Gentile, is quite proud of his Italian heritage. He has been the Italian/American Man of the Year, Augustus Society Man of the Year, and is very active in the Italian/American community in Las Vegas. Columbus day is a holiday in my office, and I remember one day I instructed the staff that we were going to work on Columbus Day, and about 30 seconds later he was in my office convincing me that we were not because it was sacrilegious to even think of working on Columbus Day. It was equivalent to Christmas, in his opinion. So, I do support Assembly Concurrent Resolution No. 77, and I do want to take a moment to recognize the valuable contributions that a lot of Italian/Americans have made, not only to America, but to the State of Nevada. They are an outstanding group of citizens that have been much maligned, and I think wrongfully so in the past. Groups like the Italian/American Society and the Augustus Society in Clark County have gone to great lengths to erase that image. Therefore, I commend them and stand in support of this resolution. Thank you.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of Assembly Concurrent Resolution No. 77. I guess you can tell by my name, I am an Italian. I think what would have helped Mouryne a lot would have been a hand fill-in. Italians clap their hands for the very simple reason that nobody can pronounce our names anyway, and it kind of helps to roll along with it. I think we just missed a couple, Vido and Marco and Antonio. I was going to mention Dominic Gentile, Pavoratti; maybe one of my peers up here could perhaps sing "O Sole Mio," but I will spare everyone. What this resolution really is doing is not taking away from or dealing with the debate about Columbus Day, but just simply to recognize that next year the month of October that we recognize the contribution for both the women and men. I believe there is going to be a book published on Italians in Nevada, and I think our Speaker will be in it, as well as many other previous members of the legislature. So, perhaps you can make sure that you look forward to that. I would ask my peers to support Assembly Concurrent Resolution No. 77.

ASSEMBLYMAN DINI:

Grazi tente, Senora. Thank you, very much, Madam Speaker pro Tempore for allowing me to speak on this important resolution. You know, I guess I am kind of getting historical. When you get in your mid-sixties, you start thinking about the past, and your parents, and the families who came over here. My father came to America in 1911 as a 15-year-old, worked on a farm in Smith Valley from sunup to sundown for fifty cents a day. Drew Wilson, a good old guy, was the foreman on the ranch. He was working for Italians, and taught him how to talk English in the bunkhouse, and he went from there. My mother came over in 1920. Her brother was here. He sent some money for his sister to come over with my uncle's bride-to-be. The two young Italian girls landed in Boston, got on the train, and made it clear across the United States without speaking one word of English. They ate salami and bread all the way across the country because they did not know anything else. They have great stories, and you could write books about the stories of the Italian ancestry we have here. Most of them landed in northern Nevada, in Reno, and they came out to Dayton, which still has a lot of Italian heritage. The Quilici's and the Selmi's and the Ricci's are old families that have been here for several generations now. And then some have migrated farther to Yerington and Smith Valley, because they were farmers. They raised the food for the Comstock, starting back in the 1860s when they came over and did the truck farming, so they had the crops to feed the people in the area. Joe Viani was my colleague from Hawthorne. He is deceased now. He told me the story from the 1920s when he was working on the ranch in Dayton. He was courting Julia, who just passed away recently, and she was a school teacher at Como. She was a Baldini from Yerington, originally. He used to get on his saddle horse every night after work and ride up to Como to visit his bride-to-be. There are a lot of stories you can tell about the Italians, and I think they have made a lasting impression in our state. We have many people out there that we ought to commend. I could have made a long list of the outstanding Nevadans of Italian heritage. I am very proud of my heritage, and every Italian that I know is proud of it. When I was a kid, they used to have some fights between the Englishmen and the Irishmen and the Italians in Yerington. We were kind of the outsiders. Now, we have fooled them all. We have married their daughters, and now they cannot criticize us any longer. I certainly support the resolution.

ASSEMBLYMAN SMITH:

Thank you, Madam Speaker pro Tempore. As a major fan of Vivaldi and spaghetti, I rise in support of this resolution.

ASSEMBLYMAN BONAVENTURA:

Thank you, Madam Speaker pro Tempore. I rise in support of this resolution, also. I would just like to make a few short comments. I think there are way too many Italian/Americans to list in this resolution, but all the people who are not listed, we would like to think about them also. I think this resolution is well deserved, and I urge everybody to support it. Thank you.

Resolution adopted unanimously.

Assemblyman Augustine moved that all rules be suspended and that Assembly Concurrent Resolution No. 77 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Giunchigliani moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:45 a.m.

ASSEMBLY IN SESSION

At 12:01 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 669 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Taxation, to which was referred Assembly Bill No. 592, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 394, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 773—An Act relating to community antenna television companies; revising the provisions governing the telecommunication services offered by community antenna television companies; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 648.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 929.

Amend section 1, page 1, by deleting lines 14 and 15 and inserting:

"4. Except as otherwise provided in NRS 485.383, to reinstate the registration of a motor vehicle suspended pursuant to that section, a fee of $100, which must be accounted for in the account for".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. Section 1 of this act becomes effective at 12:01 a.m. on October 1, 1993.".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Joint Resolution No. 15.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 320.

Bill read third time.

Remarks by Assemblymen Freeman, Sader and Anderson.

Roll call on Assembly Bill No. 320:

YEAS—40.

NAYS—None.

Absent—Carpenter, Haller—2.

Assembly Bill No. 320 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 427.

Bill read third time.

Remarks by Assemblymen Arberry and Price.

Roll call on Assembly Bill No. 427:

YEAS—40.

NAYS—None.

Absent—Carpenter, Haller—2.

Assembly Bill No. 427 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 575.

Bill read third time.

Remarks by Assemblyman Schneider.

Roll call on Assembly Bill No. 575:

YEAS—40.

NAYS—None.

Absent—Carpenter, Haller—2.

Assembly Bill No. 575 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 623.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 623:

YEAS—40.

NAYS—None.

Absent—Carpenter, Haller—2.

Assembly Bill No. 623 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 735.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Assembly Bill No. 735:

YEAS—40.

NAYS—None.

Absent—Carpenter, Haller—2.

Assembly Bill No. 735 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 528.

Bill read third time.

Remarks by Assemblymen Toomin and Augustine.

Assemblyman Gibbons requested that the following remarks be entered in the Journal.

ASSEMBLYMAN TOOMIN:

Thank you, Madam Speaker pro Tempore. It should be no surprise to anybody in this room that I rise in support of Assembly Bill No. 528. The concept of election reform is not a new one. Election reform debate has taken place in both houses of this legislature on many occasions. As a matter of fact, election reform legislation was passed out of both houses as recently as 1991. Unfortunately, by the time it was signed into law, it was so watered down, it was rendered ineffective.

Assembly Bill No. 528 came about because of several incidents that occurred during my 1990 Clark County Commission campaign and last year's campaign for this prestigious seat. I, like many of you, I am sure, have had an accusatory finger pointed at my chest with an accompanying statement such as, "You politicians are all a bunch of crooks and thieves." I doubt if any of us in this hallowed chamber are crooks or thieves. I must remind all of my honorable colleagues, neither are we a secret society. We are public servants.

As public servants, we are obligated to open our public lives to the most comprehensive scrutiny. We must be held to a higher standard and provide any and all information pertaining to our campaign, election, and tenure in office to the people who elected us. We must open government and the governmental process. Assembly Bill No. 528 is a step in that direction. It is accountability in government legislation and would help restore needed credibility to all elected officials. I urge your support on Assembly Bill No. 528 and implore you for a do pass on this bill. Thank you.

ASSEMBLYMAN AUGUSTINE:

Thank you, Madam Speaker pro Tempore. To you and through you, to my colleague from Las Vegas, I have a question. I noticed, and if I am reading this right, that when I

originally signed on as co-sponsor of this bill, that it was going to lower the campaign threshold from $500 per reporting to $100. It appears now, I believe section 4, subsection 7, that each contribution must be separately identified. Is that correct?

ASSEMBLYMAN TOOMIN:

Thank you, Madam Speaker pro Tempore. To you and through you, to my colleague from District No. 12, it was debated on the floor on June 14 of this year and the bill was amended in committee. The threshold level was lowered to zero.

Roll call on Assembly Bill No. 528:

YEAS—38.
NAYS—Collins, Marvel—2.
Absent—Carpenter, Haller—2.

Assembly Bill No. 528 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 163.

Bill read third time.

Remarks by Assemblyman Kenny.

Roll call on Senate Bill No. 163:

YEAS—40.
NAYS—None.
Absent—Carpenter, Haller—2.

Senate Bill No. 163 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 184.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Senate Bill No. 184:

YEAS—40.
NAYS—None.
Absent—Carpenter, Haller—2.

Senate Bill No. 184 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 278.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Senate Bill No. 278:

YEAS—40.
NAYS—None.
Absent—Carpenter, Haller—2.

Senate Bill No. 278 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Senate Bill No. 380 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 485.

Bill read third time.

Remarks by Assemblymen Sader, Anderson, Humke, Price and Dini.

Roll call on Senate Bill No. 485:

YEAS—40.

NAYS—None.

Absent—Carpenter, Haller—2.

Senate Bill No. 485 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 669.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Assembly Bill No. 669:

YEAS—40.

NAYS—None.

Absent—Carpenter, Haller—2.

Assembly Bill No. 669 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that Assembly Bill No. 394 be placed on the Second Reading File.

Remarks by Assemblyman Price.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 762; Senate Bills Nos. 389, 390, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 701, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 385, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 167, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 608 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 235.

The following Senate amendment was read:

Amendment No. 830.

Amend the bill as a whole by adding a new section designated sec. 11.5, following sec. 11, to read as follows:

"Sec. 11.5. NRS 639.255 is hereby amended to read as follows:

639.255 1. The holder of any certificate, license or permit issued by the board, whose default has been entered or who has been heard by the board and found guilty of the violations alleged in the accusation, may be disciplined by the board by one or more of the following methods:

(a) Suspending judgment;

(b) Placing the certificate, license or permit holder on probation;

(c) Suspending the right of a certificate holder to practice, or the right to use any license or permit, for a period not to exceed 1 year;

(d) Revoking the certificate, license or permit;

(e) Public or private reprimand; [or]

(f) Imposition of a fine not to exceed $1,000 for each count of the accusation [.] *; or*

(g) Requiring the certificate, license or permit holder to pay all costs incurred by the board relating to the discipline of the person.

2. Such action by the board is final, except that the propriety of such action is subject to review upon questions of law by a court of competent jurisdiction.".

Amend the bill as a whole by adding a new section designated sec. 16.5, following sec. 16, to read as follows:

"Sec. 16.5. NRS 645.660 is hereby amended to read as follows:

645.660 1. Any unlawful act or violation of any of the provisions of this chapter by any licensee is not cause for the suspension or revocation of a license of any person associated with the licensee, unless it appears to the

satisfaction of the commission that the associate knew or should have known thereof. A course of dealing shown to have been persistently and consistently followed by any licensee constitutes prima facie evidence of such knowledge upon the part of the associate.

2. If it appears that a registered owner-developer knew or should have known of any unlawful act or violation on the part of a real estate broker, broker-salesman or salesman employed by him, in the course of his employment, the commission may suspend or revoke his registration and may assess a civil penalty of not more than [$500.] *$5,000.*

3. The commission may suspend or revoke the license of a real estate broker and may assess a civil penalty of not more than [$500] *$5,000* against him if it appears he has failed to maintain adequate supervision of a salesman or broker-salesman associated with him and that person commits any unlawful act or violates any of the provisions of this chapter.''.

Amend the bill as a whole by deleting sections 44 and 45 and inserting:

''Secs. 44 and 45. (Deleted by amendment.)''.

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 235.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 148.

The following Senate amendment was read:

Amendment No. 594.

Amend section 1, page 1, by deleting lines 8 through 14 and inserting: ''*such coverage if the motor vehicle:*

(a) Is equipped with an air bag on the driver's side of the front seat or air bags on the driver's side and passenger's side of the front seat; and

(b) Contains any other safety device, other than safety belts, which substantially enhances the safety of the occupants of the motor vehicle.

2. The reduction in premiums required by subsection 1 must be based upon the actuarial and loss experience data available to each insurer and must be approved by the commissioner. The insurer may offer additional reductions in premiums pursuant to the requirements set forth in subsection 1 if they are approved by the commissioner. Each reduction must be calculated based on the amount of the premium before any reduction in that premium is made pursuant to this section, and not on the amount of the premium once it has been reduced.

3. The commissioner shall review and approve or disapprove each policy of insurance that offers a reduction in the premiums provided for in this section. An insurer must receive the written approval of the commissioner before delivering or issuing for delivery a policy that provides for such a reduction.''.

Amend the title of the bill, third line, by deleting: ''an air bag;'' and inserting: ''certain safety devices;''.

Amend the summary of the bill, second line, by deleting ''air bag.'' and inserting: ''certain safety devices.''.

Assemblyman Porter moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 148.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 192.

The following Senate amendment was read:

Amendment No. 801.

Amend section 1, page 1, line 7, after "*hours.*" by inserting: "*The policy must include the circumstances under which the chief administrative officer of a school must be notified of the arrest of a pupil.*".

Assemblyman Wendell Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 192.

Remarks by Assemblyman Wendell Williams.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 520, 592, 596, 701, 708, 762; Assembly Joint Resolution No. 39; Senate Bills Nos. 49, 231, 385, 389, 390, 408; Senate Joint Resolution No. 23 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Sader moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:50 p.m.

ASSEMBLY IN SESSION

At 1:07 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 18, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 156, 198, 360, 541.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 91, 196, 250, 462, 477, 495.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 27.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 27:

Assemblyman Porter moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 91.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 156.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 196.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 198.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 250.

Assemblyman Porter moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 360.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 462.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 477.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 495.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 541.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 394.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 743.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 364A of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a holder of a license under this chapter fails to comply with a provision of this chapter or a regulation of the department adopted under this chapter, the department may revoke or suspend his license. Before so doing, the department must hold a hearing after 10 days' written notice to the licensee. The notice must specify the time and place of the hearing and require him to show cause why his license should not be revoked.

2. If the license is suspended or revoked, the department shall give written notice of the action to the holder.

3. The notices required by this section may be served personally or by mail in the manner provided in NRS 360.350 for the service of a notice of the determination of a deficiency.

4. The department shall not issue a new license to the former holder of a revoked license unless it is satisfied that he will comply with the provisions of this chapter and the regulations of the department adopted pursuant thereto.".

Amend section 1, page 1, by deleting lines 3 through 5 and inserting: "business in this state. The tax *for each calendar quarter is due on the last day of the quarter and* must be paid on or before the last day of [each calendar quarter] *the following month* on the basis of the average number of employees in the [previous calendar] quarter.".

Amend section 1, page 2, by deleting lines 8 through 10 and inserting: "thereof, over 999 up to but not exceeding $100,000 for the quarter.] *is $25 for each employee.*".

Amend section 1, page 2, by deleting lines 18 through 34 and inserting:

"5. For the purposes of this section [:

(a) The] *the* average number of employees of a business does not include a sole proprietor or one natural person in any unincorporated business, who shall be deemed the owner of the business rather than an employee.

[(b) The businesses conducted by a corporation, partnership, proprietorship, business association or similar organization or by a natural person shall be deemed a single business if:

(1) The businesses are similar or related; and

(2) In the case of businesses conducted by a corporation, partnership, proprietorship, business association or similar organization, the businesses are affiliated.

(c) If a person supplies more than 999 employees to a business, the employees supplied to the business shall be deemed a separate business of the person who supplies the employees.]".

Amend the bill as a whole by renumbering sec. 2 as sec. 5 and adding new sections designated sections 3 and 4, following section 1, to read as follows:

"Sec. 3. NRS 364A.180 is hereby amended to read as follows:

364A.180 Upon written application made before the [due date,] *date on which payment must be made,* for good cause the department may extend *by 30 days* the time within which a business is required to pay the tax imposed by this chapter. If the tax is paid during the period of extension, no penalty or late charge may be imposed for failure to pay at the time required, but the business shall pay interest at the rate most recently established pursuant to NRS 99.040 for each month, or fraction of a month, from the last day of the month following the date on which the amount would have been due without the extension until the date of payment.

Sec. 4. To effect an orderly transition, the license tax imposed by chapter 364A of NRS for the calendar quarter ending on September 30, 1993, must be paid on or before October 31, 1993, unless an extension is granted by the department of taxation pursuant to NRS 364A.180.".

Amend the title of the bill to read as follows:

"An Act relating to the business tax; changing the rate of the tax and the date of payment; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes changes in rate and manner of payment of business tax. (BDR 32-1104)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblymen Price, Giunchigliani and Toomin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 520.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 774.

Amend section 1, pages 1 and 2, by deleting lines 2 through 25 on page 1 and lines 1 through 19 on page 2 and inserting:

"123.259 1. Except as otherwise provided in subsection 2, a court of competent jurisdiction may, upon a proper petition filed by a spouse or the guardian of a spouse, enter a decree dividing the [community income, assets and obligations] *income and resources* of a husband and wife [into the separate income, assets and obligations of the spouses, if the petitioner shows that it is in the best interest of both spouses that a division of the income or property be made, and:] *pursuant to this section if:*

(a) One spouse [has been admitted to a facility for skilled nursing or facility for intermediate care;

(b) The treating physician of the spouse who is to be admitted to a facility for skilled nursing or facility for intermediate care has issued an opinion, in writing, that it is imminent that the spouse will be so admitted; or

(c) A division of the income or property would allow one spouse to qualify for services under NRS 427A.250 to 427A.280, inclusive.] *is a patient in a medical facility and is likely to remain as such for at least 30 days; and*

(b) The other spouse is not a patient in a medical facility.

2. The court shall not enter such a decree if the division is contrary to a premarital agreement between the spouses which is enforceable pursuant to chapter 123A of NRS.

3. *Unless modified pursuant to subsection 4 or 5, the court may divide the income and resources:*

(a) Equally between the spouses; or

(b) By allocating as income to the spouse who is not a patient the greatest amount permitted under 42 U.S.C. § 1396r-5(d)(3)(C) and as resources to the spouse who is not a patient the greatest amount permitted under 42 U.S.C. § 1396r-5(f)(2)(A)(ii), as those provisions are effective on October 1, 1993.

4. If either spouse establishes that the spouse who is not a patient needs income greater than that otherwise provided under paragraph (b) of subsection 3, upon finding exceptional circumstances resulting in significant financial duress and setting forth in writing the reasons for that finding, the court may enter an order for support against the spouse who is a patient for the support of the spouse who is not a patient in an amount adequate to provide such additional income as is necessary.

5. If either spouse establishes that a transfer of resources to the spouse who is not a patient pursuant to paragraph (b) of subsection 3, in relation to the amount of income generated by such a transfer, is inadequate to raise the income of the spouse who is not a patient to the amount allowed under paragraph (b) of subsection 3 or an order for support issued pursuant to subsection 4, the court may substitute, an amount adequate to provide income to fund the amount so allowed or to fund the order for support.

6. A copy of a petition for relief under subsection 4 or 5 must be served on the state welfare administrator. He may intervene no later than 45 days after receipt by the welfare division of the department of human resources of an application for medical assistance and a copy of an order issued pursuant to subsection 4 or 5, and may move to modify the order.

7. A person may enter into a written agreement with his spouse dividing their community income, assets and obligations into equal shares of separate income, assets and obligations of the spouses. Such an agreement is effective only if one spouse is admitted to a [facility for skilled nursing or a facility for intermediate care] *medical facility* or a division of the income or property would allow one spouse to qualify for services under NRS 427A.250 to 427A.280, inclusive.

[4. Upon the entrance of such a decree, or at the time such an agreement becomes effective, the separate income or property of each spouse is not liable for the costs of supporting the other spouse, including the costs of the necessities of life or medical care.

5.] *8.* An agreement [or decree] entered into *or decree entered* pursuant to this section [may not be] *is not* binding on the welfare division of the department of human resources in making determinations under the state plan for assistance to the medically indigent.

9. As used in this section, "medical facility" has the meaning ascribed to it in NRS 449.0151.".

Amend the bill as a whole by adding a new section, designated sec. 2, following section 1, to read as follows:

"Sec. 2. If the amendatory provisions of this section or a related provision of 42 U.S.C. § 1396r-5 is held unconstitutional by a court of last resort of this state or of the United States, or the related requirements of 42 U.S.C. § 1396r-5 are repealed, this amendatory act expires by limitation upon the effective date of the decision or repeal.".

Amend the title of the bill to read as follows:

"An Act relating to married persons; revising the provisions for division of their income and property if either needs prolonged care; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Accommodates provision for dividing income and property of married couple to federal requirements. (BDR 11-880)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 592.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 747.

Amend section 1, page 1, by deleting line 5 and inserting: "collect the following fees:".

Amend section 1, pages 1 and 2, by deleting lines 19 through 24 on page 1 and line 1 on page 2, and inserting: "2. Except as otherwise provided in subsection 3, a county recorder".

Amend section 1, page 2, line 13, by deleting "[3.] *4.*" and inserting "3.".

Amend section 1, page 2, line 17, by deleting "[4.] *5.*" and inserting "4.".

Amend section 1, page 2, line 20, by deleting "[5.] *6.*" and inserting "5.".

Amend sec. 2, page 2, line 27, by deleting the colon and inserting: "and for recording, pursuant to subsection 3 of NRS 517.230, affidavits of intent to hold mining claims:".

Amend sec. 2, page 2, by deleting lines 34 through 39.

Amend sec. 2, page 2, line 40, by deleting "*3.*" and inserting "2.".

Amend sec. 3, page 2, by deleting line 45 and inserting: "248.275 1. The".

Amend sec. 3, page 4, by deleting line 8 and inserting: "The sheriff may charge".

Amend sec. 3, page 4, by deleting lines 12 through 17.

Amend sec. 3, page 4, line 18, by deleting "*3.*" and inserting "2.".

Amend sec. 3, page 4, line 31, by deleting "[3.] *4.*" and inserting "3.".

Amend sec. 3, page 4, line 35, by deleting "[4.] *5.*" and inserting "4.".

Amend sec. 3, page 4, line 38, by deleting "[5.] *6.*" and inserting "5.".

Amend sec. 3, page 4, line 42, by deleting "[6.] *7.*" and inserting "6.".

Amend sec. 4, page 4, by deleting lines 47 and 48 and inserting:

"258.125 1. Constables are entitled to the following fees for their services:".

Amend sec. 4, page 6, by deleting lines 8 through 13.

Amend sec. 4, page 6, line 14, by deleting "*3.*" and inserting "2.".

Amend sec. 4, page 6, lines 16 and 17, by deleting: "justice of the peace who" and inserting "court which".

Amend sec. 4, page 6, line 25, by deleting "[3.] *4.*" and inserting "3.".

Amend sec. 4, page 6, line 29, by deleting "[4.] *5.*" and inserting "4.".

Amend sec. 5, page 6, by deleting line 33 and inserting: "259.200 1. A justice".

Amend sec. 5, page 6, by deleting lines 38 through 43.

Amend sec. 6, page 6, lines 45 and 46, by deleting: "[subsection 2,] *subsections 2 and 3,*" and inserting "subsection 2,".

Amend sec. 6, pages 7 and 8, by deleting lines 44 through 47 on page 7 and lines 1 and 2 on page 8.

Amend sec. 6, page 8, line 3, by deleting "*3.*" and inserting "2.".

Amend sec. 6, page 8, line 6, by deleting "[3.] *4.*" and inserting "3.".

Amend sec. 6, page 8, by deleting lines 11 and 12 and inserting "subsection 4.".

Amend sec. 6, page 8, line 13, by deleting "*5.*" and inserting "4.".

Amend sec. 7, page 8, by deleting lines 18 through 20 and inserting:

"17.110 The statement must be filed with the clerk of the court in which the judgment is to be entered. The clerk shall endorse upon it and enter in the judgment book a".

Amend sec. 7, page 8, by deleting lines 24 through 29.

Amend sec. 8, page 8, by deleting line 31 and inserting: "19.013 1. Each".

Amend sec. 8, page 9, by deleting lines 30 through 35.

Amend sec. 8, page 9, line 36, by deleting "*3.*" and inserting "2.".

Amend sec. 8, page 9, line 38, by deleting "[3.] *4.*" and inserting "3.".

Amend sec. 8, page 9, line 43, by deleting "[4.] *5.*" and inserting "4.".

Amend sec. 8, page 10, line 1, by deleting "[5.] *6.*" and inserting "5.".

Amend sec. 9, page 10, by deleting line 19 and inserting: "3. The board of county".

Amend sec. 9, page 10, by deleting lines 31 through 36.

Amend sec. 10, page 10, by deleting lines 38 and 39 and inserting: "278.450 The county recorder shall".

Amend sec. 10, page 10, by deleting lines 43 through 48.

Amend sec. 11, page 11, by deleting line 5 and inserting: "2. The charge for".

Amend sec. 11, page 11, by deleting lines 7 through 12.

Amend sec. 12, page 11, by deleting line 46 and inserting: "5. The county".

Amend sec. 12, page 12, by deleting lines 1 through 6.

Amend sec. 13, page 12, lines 15 and 16, by deleting: "[The] *Except as otherwise provided in subsection 3, the*" and inserting "The".

Amend sec. 13, page 12, by deleting lines 23 through 28.

Amend sec. 13, page 12, line 29, by deleting "*4.*" and inserting "3.".

Amend sec. 13, page 12, line 33, by deleting "[4.] *5.*" and inserting "4.".

Amend sec. 13, page 12, line 44, by deleting "[5.] *6.*" and inserting "5.".

Amend sec. 13, page 12, line 48, by deleting "[6,] *7,*" and inserting "6,".

Amend sec. 13, page 13, line 5, by deleting "[6.] *7.*" and inserting "6.".

Amend sec. 13, page 13, line 14, by deleting "[7.] *8.*" and inserting "7.".

Amend sec. 13, page 13, line 19, by deleting "[8.] *9.*" and inserting "8.".

Amend sec. 15, page 13, line 33, by deleting: "Section 1 of this act becomes" and inserting: "Sections 1 and 4 of this act become".

Amend the title of the bill, second line, by deleting: "providing for further adjustment;".

Amend the summary of the bill to read as follows:

"Summary—Adjusts fees charged by local governments for certain services. (BDR 20-464)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Government Affairs.

Assembly Bill No. 596.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 773.

Amend section 1, page 1, line 2, by deleting: "2 and 3" and inserting: "2, 3 and 4".

Amend the bill as a whole by renumbering sections 2 through 7 as sections 3 through 8 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. *The legislature finds and declares that the program for general education of offenders and the program of education of offenders in English*

as a second language are acts of grace of the state. No offender has a right to participate in such a program, and it is not intended that the establishment of such programs create any such right or interest in liberty or property or establish a basis for any cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees.".

Amend sec. 2, page 1, line 13, by deleting "*3*" and inserting "*4*".

Amend sec. 3, page 1, by deleting lines 16 through 18 and inserting: "*illiterate may not be assigned to an industrial or a vocational program unless:*

(a) He is regularly attending and making satisfactory progress in a program for general education; or

(b) The director for good cause determines that the limitation on assignment should be waived under the circumstances with respect to a particular offender.".

Amend sec. 3, page 2, line 8, by deleting the italicized period and inserting: "*or the director for good cause determines that the limitation on assignment should be waived under the circumstances with respect to a particular offender.*".

Amend sec. 4, page 2, line 29, by deleting "*3*" and inserting "*4*".

Amend sec. 4, page 3, by deleting lines 7 through 10 and inserting:

"(c) Have an insignificant effect on the number of jobs available to the residents of this state; and

(d) Provide occupational training for offenders.

3. Each fiscal year, the cumulative profits and losses, if any, of the programs for the employment of offenders established by the director must result in a profit for the department. The following must not be included in determining whether there is a profit for the department:

(a) Fees credited to the fund for prison industries pursuant to NRS 482.268, any revenue collected by the department for the leasing of space, facilities or equipment within the institutions or facilities of the department and any interest or income earned on the money in the fund for prison industries.

(b) The selling expenses of the central administrative office of the programs for the employment of offenders. As used in this paragraph, "selling expenses" means delivery expenses, salaries of sales personnel and related payroll taxes and costs, the costs of advertising and the costs of display models.

(c) The general and administrative expenses of the central administrative office of the programs for the employment of offenders. As used in this paragraph, "general and administrative expenses" means the salary of the assistant director of industrial programs and the salaries of any other personnel of the central administrative office and related payroll taxes and costs, the costs of telephone usage and the costs of office supplies used and postage used.".

Amend sec. 4, page 3, line 11, by deleting "3." and inserting "4.".

Amend sec. 5, page 3, by deleting lines 21 through 23 and inserting: "*ate is not eligible to participate in a program of work release unless:*

(a) He is regularly attending and making satisfactory progress in a program for general education; or

(b) The director for good cause determines that the limitation on eligibility should be waived under the circumstances with respect to a particular offender.".

Amend sec. 5, page 3, line 34, by deleting the italicized period and inserting: "*or the director for good cause determines that the limitation on eligibility should be waived under the circumstances with respect to a particular offender.*".

Amend sec. 7, page 4, line 42, by deleting: "1 and 2" and inserting: "1, 2 and 3".

Amend sec. 7, page 4, line 44, by deleting: "3 to 6," and inserting: "4 to 7,".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Assemblyman Sader moved that Assembly Bill No. 596 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 701.

Bill read second time.

The following amendment was proposed by the Committee on Labor and Management:

Amendment No. 965.

Amend section 1, page 1, line 8, by deleting: "*that employee or*".

Amend the title of the bill, second line, after "any" by inserting "other".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 708.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 873.

Amend section 1, page 1, line 2, by deleting: "2 to 5, inclusive," and inserting: "2, 3 and 4".

Amend sec. 3, page 1, lines 10 and 11, by deleting: "*for an affordable rent,*".

Amend sec. 3, page 1, line 17, by deleting: "*for an affordable rent*".

Amend sec. 3, page 1, line 20, by deleting "*project*" and inserting "*plan*".

Amend sec. 4, page 2, line 2, after "*city*" by inserting: "*whose population is 200,000 or more*".

Amend sec. 4, page 2, line 3, by deleting: "*in excess of $800,000 per year*".

Amend sec. 4, page 2, by deleting lines 5 through 14 and inserting: "*of dwelling units in the community for low-income households.*

2. The obligation of an agency to set aside not less than 15 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before July 1, 1993, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after July 1, 1993, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.".

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 and 7 as sections 5 and 6.

Amend sec. 6, page 2, lines 26 and 27, by deleting: "*2 to 5, inclusive,*" and inserting: "*2, 3 and 4*".

Amend the bill as a whole by deleting sections 8 and 9.

Amend the title of the bill to read as follows:

"An Act relating to the redevelopment of urban areas; including the provision of affordable housing as a purpose of a redevelopment area; requiring certain urban renewal agencies to set aside a certain amount of revenue they receive for low-income housing; and providing other matters properly relating thereto.".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 762.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 39.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 49.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 745.

Amend section 1, page 1, by deleting lines 5 through 12 and inserting: "the state board of examiners for a determination of its correctness and the availability of [funds] *money* within the appropriation or authorization for its payment.

2. *Any money which:*

(a) Is allocated to this state pursuant to a federal program in the form of a letter of credit or its equivalent;

(b) Is authorized for expenditure by the legislature;

(c) Has not been deposited in the state treasury; and

(d) Is immediately available to this state through an automated federal payment management system,

shall be deemed to be available for a claim for payment''.

Amend the title of the bill to read as follows:

''An Act relating to state financial administration; eliminating the requirement that claims for the payment of salaries of public officers made pursuant to a legislative appropriation or authorization be presented to the state board of examiners; providing that certain money allocated to this state pursuant to a federal program be deemed available for the payment of a claim from the state treasury before the money is deposited in the state treasury; and providing other matters properly relating thereto.''.

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 231.

Bill read second time and ordered to third reading.

Senate Bill No. 385.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 810.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting: ''is hereby created, and may be used for the payment of [small prison bills and] bills requiring immediate payment [,] *and for the issuance of money to assist newly released or paroled offenders,*and for no other purposes.''.

Amend sec. 3, page 1, line 12, by deleting ''July 1,'' and inserting ''June 30,''.

Amend the title of the bill, first line after ''prisons;'' by inserting: ''expanding the uses of and''.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 389.

Bill read second time and ordered to third reading.

Senate Bill No. 390.

Bill read second time and ordered to third reading.

Senate Bill No. 408.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 23.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 522 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 522.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 784.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 2 through 5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 38.015 is hereby amended to read as follows:

38.015 NRS 38.015 to 38.205, inclusive, *and 38.235*may be cited as the Uniform Arbitration Act.".

Amend sec. 3, page 1, line 25, by deleting ", 38.235".

Amend the text of repealed sections by deleting the text of NRS 38.235.

Amend the title of the bill, third line, after "arbitration;" by inserting: "providing for the continued applicability of the provision regarding the right to trial after arbitration under the Uniform Arbitration Act;".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 652 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 652.

Bill read third time.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 938.

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 through 5 as sections 2 through 4.

Amend the title of the bill, second and third lines, by deleting: "increasing the period of residency for candidates for the offices of mayor and supervisor;".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Labor and Management:

Assembly Concurrent Resolution No. 78—Providing for the recognition of certain associations that represent state employees.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani, Porter, Dini and Price.

Assemblyman Porter moved that Assembly Concurrent Resolution No. 78 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 115, 124, 202, 486, 582, 586, 601, 621, 626; Assembly Joint Resolution No. 9; Assembly Concurrent Resolution No. 4; Senate Bills Nos. 309, 311, 363, 441, 442.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bonaventura, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Corrina Hall.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Jodi Maynard and Marie Carpenter.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Ashley Stucker.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Jeremy Bentz.

Assemblyman Porter moved that the Assembly adjourn until Saturday, June 19, 1993 at 8 a.m.

Motion carried.

Assembly adjourned at 1:48 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-THIRD DAY

CARSON CITY (Saturday), June 19, 1993

Assembly called to order at 8:14 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carpenter, Haller, Scherer and Wendell Williams, who were excused.

Prayer by the Chaplain, The Reverend Roy Parker.

Our Heavenly Father, we recognize our need for You as does every other living creature on the earth. We are so glad that Your love provides for us just what we need at all times. We ask for Your guidance and wisdom to rest upon this Assembly Chamber today and help these elected ones to make every right decision this day for our good and Your glory. We thank You now and will forevermore in the Name of our Lord and Saviour. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 583, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 624, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 18, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 55, 581.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 116, 122, 123, 301, 387, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 37.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Assembly Concurrent Resolution No. 55, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 310, 316.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 63.
Assemblyman Toomin moved the adoption of the resolution.
Remarks by Assemblyman Toomin.
Resolution adopted, as amended.

GENERAL FILE AND THIRD READING

Assembly Bill No. 485.
Bill read third time.
Remarks by Assemblyman Porter.
Roll call on Assembly Bill No. 485:
YEAS—38.
NAYS—None.
Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Assembly Bill No. 485 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 659.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Assembly Bill No. 659:
YEAS—38.
NAYS—None.
Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Assembly Bill No. 659 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 703.
Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Assembly Bill No. 703:
YEAS—38.
NAYS—None.
Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Assembly Bill No. 703 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 762 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Arberry.
Motion carried.

Assemblyman Freeman moved that Senate Bill No. 402 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Freeman.

Motion carried.

Assemblyman Freeman moved that Senate Joint Resolution No. 15 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Freeman.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 744.

Bill read third time.

Remarks by Assemblyman Schneider.

Roll call on Assembly Bill No. 744:

YEAS—38.

NAYS—None.

Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Assembly Bill No. 744 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 747.

Bill read third time.

Remarks by Assemblymen Spitler and Price.

Conflict of interest declared by Assemblyman Price.

Roll call on Assembly Bill No. 747:

YEAS—38.

NAYS—None.

Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Assembly Bill No. 747 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 39.

Resolution read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Joint Resolution No. 39:

YEAS—31.

NAYS—Ernaut, Gibbons, Heller, Hettrick, Humke, Lambert, Tiffany—7.

Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Assembly Joint Resolution No. 39 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 108.

Bill read third time.

Remarks by Assemblymen Smith, Ernaut, Myrna Williams, Price and Humke.

Roll call on Senate Bill No. 108:

YEAS—30.

NAYS—Ernaut, Gibbons, Gregory, Heller, Humke, Lambert, Marvel, Tiffany—8.

Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Senate Bill No. 108 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 167.

Bill read third time.

Remarks by Assemblymen Hettrick, Humke and Toomin.

Roll call on Senate Bill No. 167:

YEAS—38.

NAYS—None.

Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Senate Bill No. 167 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:42 a.m.

ASSEMBLY IN SESSION

At 8:43 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 231.

Bill read third time.

Remarks by Assemblymen Bennett, Collins, Evans, Smith, Dini, Hettrick and Price.

Conflict of interest declared by Assemblyman Collins.

Assemblyman Bennett requested that the following remarks be entered in the Journal.

ASSEMBLYMAN BENNETT:

Thank you, Mr. Speaker. I have a rather lengthy floor statement and in efforts to cut down on verbiage, I will read the first and last part of it. If there are any questions, I will read the entire thing.

"Senate Bill No. 231 establishes a certification procedure for utility and tax benefits to encourage new industry in Nevada.

The Commission on Economic Development is required to report to the next two sessions of the Nevada Legislature concerning the certifications granted and the effect of this act on attracting business to the State. The bill becomes effective upon passage and approval."

ASSEMBLYMAN COLLINS:

Thank you, Madam Speaker pro Tempore. To you, and to this body, first of all, I must declare that I am a journeyman and lineman. I work on power lines. I am on leave of

absence from employment at a utility. I do not believe there is a conflict. I am concerned about this legislation. I just wanted to declare that there might be a conflict, but I do not believe there will be. Thank you.

ASSEMBLYMAN EVANS:

Thank you, Madam Speaker pro Tempore. I, too, would like to rise in support of Senate Bill No. 231. I think that it is incumbent upon us to do everything in our power to encourage new industry and to step up our economic development efforts. I call to the attention of the body an article that was in the *San Francisco Chronicle*, earlier this week, announcing that from 87 studies, show that from 87 to 92, 708 manufacturing firms in California either expanded to other states or completely left California. That totals in excess of 100 thousand jobs. At the same time, California is doing everything it can to hang on to its businesses. Currently, there are some 24 measures pending in the California legislature to try to stem the exodus of California firms. I think it is incumbent upon Nevada to do everything possible. This bill is an important step in the right direction. A lot of work has been done on this since released last year. I think a great deal of credit and congratulations is deserved by our own Speaker because he has been working doggedly to bring this measure before us.

ASSEMBLYMAN SMITH:

Thank you, Madam Speaker pro Tempore. I rise in support of Senate Bill No. 231. I feel this is powerful legislation. It is certainly a change in our current practices.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore. I rise to support Senate Bill No. 231. I think this is a new era for industrial development in our state by passage of this bill. There is a clause in here about being able to wheel power. This will be the first state that has done this by statute. It is permitted under federal law, but no state has put it into the statute. It means industrialists with the capital and money can go into the market, and purchase electricity, and pay the utility to transport it to the plant. I think that is very significant.

I think this is probably one of the better things that we have done since 1983 in the area of economic development. We entered in this field in 1983 to diversify our economy. We created the commission on Economic Development. We did some things in the law that attracted a lot of industry for our state. The competition is becoming greater. New Mexico is going all out to bring new industry to their state. Arizona, in the competition over one company that we had, changed their laws. They lowered their property tax from 25 percent of assessed valuation to five percent of assessed valuation and exempted the company from income tax. So you see, we are in a real war of attracting industries.

I think we did a significant thing on industrial insurance the other day which will help break the log jam which we had for several months here. A lot of companies have been waiting to come to Nevada and have been waiting to see what we were going to do in that area. By passing this bill, I think you are going to see major companies with heavy assessed valuations come to our state which will bring us a better and a more stable tax base. I certainly urge your support.

ASSEMBLYMAN HETTRICK:

Thank you, Madam Speaker pro Tempore. I rise in support of this bill. However, I would like to note that there was concern by one or two utilities who were involved or that could be involved by this. I would like to note for the record, this is permissive. The language is permissive and there is certainly nothing in this bill that requires utilities to be involved in negotiating if they choose not to. I think that is an important part of this legislation and makes it a very good bill.

ASSEMBLYMAN PRICE:

Thank you, Madam Speaker pro Tempore. I will be rising in support of Senate Bill No. 231, but I do have a question, perhaps to the chairman of the committee. If a reduction in the type of rate is given to the facility coming in, then is the utility allowed to make application to the Public Service Commission to raise the rates for its other customers to make up for it or is it a straight deduction?

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore. I can answer that. No. It provides an only cost that can be borne by the general public.

I would be remiss if I did not mention the people that really brought Senate Bill No. 231 to fruition in the last few weeks of negotiations. Senator Adler was the lead person in working on this bill. Tim Carlson from the Department of Economic Development did an excellent job. Sierra Pacific Power Company has done an outstanding job for the past two years working with us in developing the language. The Public Service Company and their staff was involved in it, as well as Scott Craigie from the Governor's Office. It was team effort. I want to commend each and everyone of them for the job done on this bill.

Roll call on Senate Bill No. 231:

YEAS—37.

NAYS—None.

Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Not voting—Collins.

Senate Bill No. 231 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 389.

Bill read third time.

Remarks by Assemblyman Tiffany.

Roll call on Senate Bill No. 389:

YEAS—37.

NAYS—None.

Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Not voting—Humke.

Senate Bill No. 389 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 390.

Bill read third time.

Remarks by Assemblyman Heller.

Roll call on Senate Bill No. 390:

YEAS—38.

NAYS—None.

Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Senate Bill No. 390 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 408.

Bill read third time.

Remarks by Assemblymen Garner and Sader.

Roll call on Senate Bill No. 408:

YEAS—38.

NAYS—None.

Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Senate Bill No. 408 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 422.

Bill read third time.

Remarks by Assemblymen Arberry and Price.

Conflict of interest declared by Assemblyman Price

Roll call on Senate Bill No. 422:

YEAS—37.

NAYS—None.

Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Not voting—Bonaventura.

Senate Bill No. 422 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 23.

Resolution read third time.

Remarks by Assemblyman Augustine.

Roll call on Senate Joint Resolution No. 23:

YEAS—38.

NAYS—None.

Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Senate Joint Resolution No. 23 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 394, 520, 522, 648, 652, 701, 708; Senate Bills Nos. 49, 385 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Senate Bill No. 48, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:01 a.m.

ASSEMBLY IN SESSION

At 9:02 a.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 402.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 949.

Amend sec. 5, page 1, by deleting line 11 and inserting:

"*1. For receiving and holding animals;*".

Amend sec. 5.5, page 1, line 20, by deleting "*retailer.*" and inserting: "*retailer or dealer.*".

Amend the bill as a whole by adding a new section designated sec. 5.7, following sec. 5.5, to read as follows:

"Sec. 5.7. *"Dealer" means a person who, for compensation or profit, buys, sells, breeds, trades or imports cats or dogs for resale.*".

Amend sec. 7, page 2, line 5, by deleting "*retailer.*" and inserting: "*retailer or dealer.*".

Amend sec. 7, page 2, line 8, after "*organizations,*" by inserting: "*dogs used in farming or ranching,*".

Amend sec. 8, page 2, line 14, by deleting "*primarily*".

Amend sec. 8, page 2, by deleting line 15 and inserting: "*business of selling animals; or*".

Amend sec. 13, page 2, by deleting line 30 and inserting:

"*3. The housing of domestic cats or dogs kept as pets or cared for, without remuneration other than payment for reasonable expenses relating to the care of the cats or dogs, on behalf of*".

Amend sec. 13, page 2, between lines 31 and 32, by inserting:

"*4. The exhibition of dogs or cats.*".

Amend the bill as a whole by adding a new section designated sec. 13.5, following sec. 13, to read as follows:

"Sec. 13.5. *No member, agent or officer of a society for the prevention of cruelty to animals may enforce the provisions of sections 2 to 27, inclusive, of this act.*".

Amend sec. 14, page 2, by deleting lines 37 and 38.

Amend sec. 14, page 2, line 39, by deleting "*(b)*" and inserting "*(a)*".

Amend sec. 14, page 2, line 43, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 16, page 3, between lines 38 and 39, by inserting:

"*3. After considering the ambient temperature, provide each dog or cat with a sufficient amount of food and water necessary to sustain it in a healthy condition at that temperature.*".

Amend sec. 19, page 4, by deleting lines 14 and 15 and inserting: "*cat during periods of estrus, except for supervised breeding.*".

Amend sec. 22, page 5, line 21, by deleting: "*under the supervision*" and inserting: "*with the approval*".

Amend sec. 23, page 5, line 31, after "*retailer*" by inserting "*or dealer*".

Amend sec. 23, page 5, line 32, after "*retailer*" by inserting "*or dealer*".

Amend sec. 23, page 5, line 34, after "*retailer*" by inserting "*or dealer*".

Amend sec. 23, page 5, by deleting line 42 and inserting: "*retailer or dealer.*".

Amend sec. 23, page 5, line 43, after "*retailer*" by inserting "*or dealer*".

Amend sec. 23, page 5, line 45, by deleting "*retailer,*" and inserting: "*retailer or dealer,*".

Amend sec. 23, page 5, line 47, by deleting "*retailer,*" and inserting: "*retailer or dealer,*".

Amend sec. 23, page 5, line 48, by deleting "*medication.*" and inserting: "*medication or a vaccination.*".

Amend sec. 23, page 6, line 1, after "*retailer*" by inserting "*or dealer*".

Amend sec. 24, page 6, line 8, after "*retailer*" by inserting "*or dealer*".

Amend sec. 24, page 6, line 11, after "*retailer*" by inserting "*or dealer*".

Amend sec. 25, page 6, line 24, after "*retailer*" by inserting "*or dealer*".

Amend sec. 25, page 6, line 27, after "*retailer*" by inserting "*or dealer*".

Amend sec. 25.5, page 6, line 46, after "*retailer*" by inserting "*or dealer*".

Amend sec. 26, page 7, line 5, after "*retailer*" by inserting "*or dealer*".

Amend sec. 26, page 7, line 8, by deleting: "*may have been*" and inserting "*was*".

Amend sec. 26, page 7, line 9, after "*retailer*" by inserting "*or dealer*".

Amend sec. 26, page 7, line 14, by deleting "*retailer.*" and inserting: "*retailer or dealer.*".

Amend the bill as a whole by adding a new section designated sec. 26.5, following sec. 26, to read as follows:

"Sec. 26.5 *A retailer, dealer or operator shall not separate a dog or cat from its mother until it is accustomed to taking food or nourishment other than by nursing.*".

Amend sec. 27, page 7, line 15, by deleting "*person*" and inserting "*retailer or dealer*".

Amend sec. 27, page 7, line 19, by deleting "*shall*" and inserting "*may*".

Amend the bill as a whole by adding a new section designated sec. 30.5, following sec. 30, to read as follows:

"Sec. 30.5 NRS 574.040 is hereby amended to read as follows:

574.040 1. [All] *Except as otherwise provided in section 13.5 of this act, all* members, agents and all local and district officers of each of the societies so incorporating, as shall by the trustees of the societies be [duly] authorized in writing, approved by the district judge of the county, and sworn in the same manner as peace officers are sworn, may make arrests for

the violation of the provisions of this chapter in the same manner as is provided for other officers.

2. All such members shall, when making such arrests, exhibit and expose a suitable badge, to be adopted by the society.

3. All persons resisting such specially appointed officers, as such, shall be punished for [such] *that* resistance in the same manner as is provided for the punishment of resistance to other officers.".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblymen Freeman and Ernaut.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 9:04 a.m.

ASSEMBLY IN SESSION

At 10:04 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 79, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 139, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 773, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 774—An Act relating to taxation; revising the method of collecting the tax on special fuels; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 321, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

GENE T. PORTER	MARK A. JAMES
LOUIS A. TOOMIN	DINA TITUS
JOHN C. CARPENTER	R. HAL SMITH
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Porter moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 321.

Remarks by Assemblyman Porter.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 123.

The following Senate amendment was read:

Amendment No. 542.

Amend sec. 18, page 5, line 4, after "inclusive," by inserting: "section 1 of Assembly Bill No. 126 of this session , [and] section 1 of [this act,] *Assembly Bill No. 117 of this session*".

Amend sec. 20, page 6, line 13, by deleting "general" and inserting "highway".

Amend the bill as a whole by renumbering sec. 25 as sec. 26 and adding a new section designated sec. 25, following sec. 24, to read as follows:

"Sec. 25. Section 2 of Assembly Bill No. 117 of this session is hereby amended to read as follows:

Sec. 2. NRS 459.700 is hereby amended to read as follows:

459.700 As used in NRS 459.700 to 459.780, inclusive, [and] section 1 of [this act,] *Assembly Bill No. 126 of this session and section 1 of this act,* unless the context otherwise requires:

1. "Commission" means the state emergency response commission.

2. "Department" means the department of motor vehicles and public safety.

3. "Director" means the director of the department of motor vehicles and public safety.

4. "Division" means the Nevada highway patrol division of the department of motor vehicles and public safety.

5. "Extremely hazardous material" means any material or combination of materials listed in Appendix A or B of Part 355 of Title 40 of the Code of Federal Regulations.

6. "Hazardous material" means any substance or combination of substances, including solids, semisolids, liquids or contained gases, which:

(a) Is identified as hazardous by the regulating agency as a result of studies undertaken to identify hazardous materials or wastes; and

(b) Because of its quantity or concentration or its physical, chemical, radioactive or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness; or

(2) Pose a substantial hazard or potential hazard to human health, public safety or the environment when it is given improper treatment, storage, transportation, disposal or other management,

including toxins, corrosives, flammable materials, irritants, strong sensitizers and materials which generate pressure by decomposition, heat or otherwise.

7. "Person" includes any agency or political subdivision of this state.".

Amend the bill as a whole by adding a new section designated sec. 27, following sec. 25, to read as follows:

"Sec. 27. 1. This section and section 25 of this act become effective upon passage and approval.

2. Sections 1 to 17, inclusive, 19 to 24, inclusive, and 26 become effective on October 1, 1993.

3. Section 18 of this act becomes effective at 12:02 a.m. on October 1, 1993.".

Assemblyman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 123.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 122.

The following Senate amendment was read:

Amendment No. 543.

Amend sec. 7, page 4, line 28, after "inclusive," by inserting: "section 1 of Assembly Bill No. 126 of this session , [and] section 1 of [this act,] *Assembly Bill No. 117 of this session*".

Amend the bill as a whole by adding new sections designated sections 10 and 11, following sec. 9, to read as follows:

"Sec. 10. Section 2 of Assembly Bill No. 117 of this session is hereby amended to read as follows:

Sec. 2. NRS 459.700 is hereby amended to read as follows:

459.700 As used in NRS 459.700 to 459.780, inclusive, [and] section 1 of [this act,] *Assembly Bill No. 126 of this session and section 1 of this act,* unless the context otherwise requires:

1. "Commission" means the state emergency response commission.

2. "Department" means the department of motor vehicles and public safety.

3. "Director" means the director of the department of motor vehicles and public safety.

4. "Division" means the Nevada highway patrol division of the department of motor vehicles and public safety.

5. "Extremely hazardous material" means any material or combination of materials listed in Appendix A or B of Part 355 of Title 40 of the Code of Federal Regulations.

6. "Hazardous material" means any substance or combination of substances, including solids, semisolids, liquids or contained gases, which:

(a) Is identified as hazardous by the regulating agency as a result of studies undertaken to identify hazardous materials or wastes; and

(b) Because of its quantity or concentration or its physical, chemical, radioactive or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness; or

(2) Pose a substantial hazard or potential hazard to human health, public safety or the environment when it is given improper treatment, storage, transportation, disposal or other management,

including toxins, corrosives, flammable materials, irritants, strong sensitizers and materials which generate pressure by decomposition, heat or otherwise.

7. "Person" includes any agency or political subdivision of this state.

Sec. 11. 1. This section and section 10 of this act become effective upon passage and approval.

2. Sections 1 to 6, inclusive, 8 and 9 of this act become effective on October 1, 1993.

3. Section 7 of this act becomes effective at 12:02 a.m. on October 1, 1993.".

Assemblyman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 122.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 383.

The following Senate amendment was read:

Amendment No. 802.

Amend section 1, page 1, between lines 13 and 14, by inserting:

"*(c) A home in which a person provides care for the children of a friend or neighbor for not more than 4 weeks if the person who provides the care does not regularly engage in that activity.*".

Amend the bill as a whole by deleting sec. 2.

Amend the title of the bill to read as follows:

"An Act relating to child care; excluding the occasional care of the children of a friend or neighbor from the definition of "child care facility"; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises definition of "child care facility." (BDR 38-209)".

Assemblyman Evans moved that the Assembly concur in the Senate amendment to Assembly Bill No. 383.

Remarks by Assemblyman Evans.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 462.

The following Senate amendment was read:

Amendment No. 758.

Amend sec. 4, page 2, line 2, by deleting the period and inserting: "*to a supplier.*".

Amend sec. 4, page 2, line 20, by deleting "*publish,*".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 462.

Remarks by Assemblyman Sader.

Conflict of interest declared by Assemblyman Spitler.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Evans moved that the Assembly do not recede from its action on Senate Concurrent Resolution No. 17, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Evans.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Evans, Augustine and Petrak as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Concurrent Resolution No. 17.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 746, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 394.

Bill read third time.

Remarks by Assemblyman Price.

Assemblyman Price moved that Assembly Bill No. 394 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 520.

Bill read third time.

Remarks by Assemblymen Gibbons and Myrna Williams.

Assemblyman Myrna Williams moved that Assembly Bill No. 520 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 522.
Bill read third time.
Remarks by Assemblyman Porter.
Roll call on Assembly Bill No. 522:
YEAS—38.
NAYS—None.
Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Assembly Bill No. 522 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 648.
Bill read third time.
Remarks by Assemblyman Spitler.
Roll call on Assembly Bill No. 648:
YEAS—38.
NAYS—None.
Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Assembly Bill No. 648 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 652.
Bill read third time.
Remarks by Assemblyman Ernaut.
Roll call on Assembly Bill No. 652:
YEAS—38.
NAYS—None.
Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Assembly Bill No. 652 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved that Assembly Bill No. 520 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Myrna Williams.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 701.
Bill read third time.
Remarks by Assemblymen Giunchigliani and Price.
Roll call on Assembly Bill No. 701:
YEAS—38.
NAYS—None.
Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Assembly Bill No. 701 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 708.
Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Assembly Bill No. 708:
YEAS—38.
NAYS—None.
Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Assembly Bill No. 708 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 49.
Bill read third time.
Remarks by Assemblymen Neighbors, Smith and Collins.
Roll call on Senate Bill No. 49:
YEAS—38.
NAYS—None.
Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Senate Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 385.
Bill read third time.
Remarks by Assemblyman Perkins.
Roll call on Senate Bill No. 385:
YEAS—38.
NAYS—None.
Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Senate Bill No. 385 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 520.
Bill read third time.
Remarks by Assemblyman Myrna Williams.
Roll call on Assembly Bill No. 520:
YEAS—38.
NAYS—None.
Absent—Carpenter, Haller, Scherer, Wendell Williams—4.

Assembly Bill No. 520 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 583, 624, 746, 773; Senate Bills Nos. 79, 48, 139 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Concurrent Resolution No. 55.

The following Senate amendment was read:

Amendment No. 804.

Amend the resolution, page 1, by deleting line 20 and inserting: "water, and to continue to comply strictly with the provisions of NRS 540.121 to 540.151, inclusive, 704.662, 704.6622 and 704.6624, which require the adoption of plans of water conservation.".

Amend the preamble of the resolution, page 1, line 5, by deleting "drought," and inserting: "drought and certain legislative action taken during the 66th session of the Nevada Legislature requiring the adoption of plans of water conservation,".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Concurrent Resolution No. 55.

Remarks by Assemblyman Garner.

Motion carried.

Resolution ordered enrolled.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 19, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 334, 540.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 213, 346.

MARY JO MONGELLI
Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Assembly Bill No. 583.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 776.

Amend section 1, page 1, by deleting line 3 and inserting:

"*1. Two or more persons whose marriage is valid under chapter 122 of NRS may enter into a contract with a surrogate for assisted conception.*".

Amend section 1, page 1, by deleting lines 9 through 18 and inserting:

"2. *A person identified as an intended parent in a contract described in subsection 1 must be treated in law as a natural parent under all circumstances.*

3. It is unlawful to pay or offer to pay money or anything of value to the surrogate except for the medical and necessary living expenses related to the birth of the child as specified in the contract.

4. As used in this section, unless the context otherwise requires:

(a) "Assisted conception" means a pregnancy resulting when an egg and sperm from the intended parents are placed in a surrogate through the intervention of medical technology.

(b) "Intended parents" means a man and woman, married to each other, who enter into an agreement providing that they will be the parents of a child born to a surrogate through assisted conception.

(c) "Surrogate" means an adult woman who enters into an agreement to bear a child conceived through assisted conception for the intended parents.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 624.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 746.

Amend section 1, page 1, line 2, by deleting "The" and inserting: "[The] *Except as otherwise provided in NRS 534.040, money in the*".

Amend section 1, page 1, by deleting lines 5 through 8.

Amend sec. 2, page 2, by deleting line 3 and inserting:

"*(2) If the application proposes to divert 1 or more cubic feet per second of water,*".

Amend sec. 3, page 4, line 2, by deleting "*must*" and inserting "*may*".

Amend sec. 4, page 4, line 35, by deleting "*must*" and inserting "*may*".

Amend sec. 5, page 6, by deleting lines 4 through 9 and inserting:

"For filing , *except as otherwise provided in this section, any application for an extension of the time within which to file proofs*	*500.00*
For filing, by an agency of the Federal Government, a political subdivision of this state or a public utility, as defined in NRS 704.020, any application for *an* extension of *the* time within which to file proofs	100.00
For filing, by any person or entity other than an agency of the Federal Government, a political subdivision of this state or a public utility, as defined in NRS 704.020, within 8 years after the approval of a permit to appropriate water or to change the place of diversion, manner of use or	

place of use of a perfected water right, an application for an extension of the time within which to file proofs regarding that permit..... 100.00

For filing an application for an extension of the time necessary to work a forfeiture pursuant to NRS 534.090..... 500.00".

Amend the title of the bill, fifth line, by deleting "certain" and inserting "basin well".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 746.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 773.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 79.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 968.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective on July 1, 1993.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 48.

Bill read second time and ordered to third reading.

Senate Bill No. 139.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 911.

Amend section 1, page 2, line 9, by deleting "all".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 213.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 334.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 346.

Assemblyman Porter moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 540.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 485, 520, 522, 648, 652, 659, 701, 703, 708, 744, 747; Assembly Joint Resolution No. 39; Assembly Concurrent Resolution No. 63 be immediately transmitted to the Senate.

Motion carried unanimously.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 192, 235; Senate Bills Nos. 89, 152, 159, 310, 313, 316, 437, 478, 503.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Lenard Loper.

On request of Assemblyman Sader, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Tamatha Richardson.

Assemblyman Porter moved that the Assembly adjourn until Monday, June 21, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 10:56 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-FIFTH DAY

CARSON CITY (Monday), June 21, 1993

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Our Father who art in Heaven, I personally thank You for the great tradition of beginning each of these sessions in prayer. I pray though, that You may be more than just a ritual to us. May we truly be seeking You, Your peace, and Your guidance for these times that are difficult for us. And, may I never be resentful of those who may not see things this way. I pray this in the Name of the God who is love. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Bennett moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 378, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Elections and Procedures.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 39, 696, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Concurrent Resolution No. 47, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Elections and Procedures.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Taxation, to which was referred Assembly Bill No. 152, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 100, 102, 282, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 19, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 113, 168, 406, 407, 408, 459, 503, 530, 553, 634, 655.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 327, 379, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolutions Nos. 26, 35, 36.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 77.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 155, 400.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 321.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bennett moved that Assembly Bills Nos. 152, 583, 624; Senate Bills Nos. 79, 139, 402 be placed on the General File.

Remarks by Assemblyman Bennett.

Motion carried.

By the Committee on Government Affairs:

Assembly Resolution No. 10—Adopting the condensation, explanation, arguments and fiscal note for Assembly Joint Resolution No. 24 of the 66th session.

Assemblyman Garner moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 775—An Act relating to mental illness; revising certain statutory provisions governing the emergency admission of an allegedly mentally ill person to a mental health facility; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:14 a.m.

ASSEMBLY IN SESSION

At 11:30 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 218, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 562, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Concurrent Resolution No. 45, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

MYRNA T. WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 746, 773 be taken from the General File and re-referred to the Committee on Commerce.

Remarks by Assemblyman Porter.

Motion carried.

Assembly Concurrent Resolution No. 45.

Resolution read.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 867.

Amend the resolution, page 1, line 24, by deleting "310" and inserting "300".

Amend the resolution, page 2, between lines 15 and 16, by inserting:

"RESOLVED, That the Board of Regents of the University of Nevada is entitled to request no more than 10 measures on behalf of the University and Community College System of Nevada; and be it further

RESOLVED, That local governments are entitled to request no more than the following numbers of measures:

Clark County	52
Washoe County	12
Nye County	3
All other counties	2 each
Clark County School District	8
Washoe County School District	1
Las Vegas	7
North Las Vegas	5
Reno	5
All other cities	2 each

and be it further

RESOLVED, That all officers of a county or city and all boards, commissions or districts within a county or city, except a school district that is

authorized to submit requests pursuant to this resolution, must submit requests for bill drafts through the board of county commissioners or governing body of the city, subject to the limitations imposed by this resolution; and be it further

RESOLVED, That the following nongovernmental entities are entitled to request no more than the following numbers of measures pursuant to subsection 2 of NRS 218.240:

Nevada Assessors' Association..... 1
Nevada Association of Counties..... 6
Nevada League of Cities..... 6
Nevada Association of School Boards..... 7
Nevada Sheriffs' & Chiefs' Association..... 7
Nevada State Education Association..... 7
Nevada Highway Patrol Association..... 1
State of Nevada Employees Association..... 7
Service Employees International Union..... 2

and be it further

RESOLVED, That no other local governments or nongovernmental entities may submit requests for bill drafts directly to the Legislative Counsel; and be it further".

Amend the resolution, page 3, by deleting lines 9 and 10 inserting:

"RESOLVED, That the Legislative Commission shall establish guidelines for determining the number of measures that may be recommended by interim legislative studies over which the Legislative Commission has control; and be it further".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Resolution ordered reprinted and engrossed.

Assembly Concurrent Resolution No. 47.

Resolution read.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 744.

Amend the resolution, page 1, line 11, after "governing" by inserting: "taxation in this state generally, review the existing laws governing".

Amend the resolution, page 1, between lines 13 and 14, by inserting:

"RESOLVED, That, as to taxation in this state generally, the study should include:

1. A review of all exemptions to existing taxes, the legal source of those exemptions, the justification for retaining each of those exemptions and the effect of the exemptions on Nevada's tax policy and revenue base;

2. Consideration of the desirability of adopting a statutory mechanism for the periodic review of existing exemptions; and

3. A review of the manner in which the gaming industry is taxed in this state, considering particularly the absence of gaming tax on activities such as family-oriented entertainment and theme parks which are offered by gaming licensees;

and be it further".

Amend the resolution, page 1, line 14, after "That" by inserting: ", as to taxing districts,".

Amend the resolution, page 1, by deleting line 18 and inserting: "of bonding, the types of bonds authorized and the manner in which those bonds may be approved;".

Amend the resolution, page 1, line 31, by deleting "eight" and inserting "nine".

Amend the resolution, page 2, line 3, by deleting "Two" and inserting "Three".

Amend the preamble of the resolution, page 1, before line 1, by inserting:

"WHEREAS, There is an ever present need to ensure a stable source of revenue for this state; and

WHEREAS, Progress requires a periodic review of Nevada's tax statutes to determine whether the current state of affairs is adequately and equitably treated in statute; and".

Amend the title of the resolution, second line, after "governing" by inserting: "taxation generally and".

Amend the summary of the resolution, first line, after "governing" by inserting: "taxation generally and".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Assemblyman Myrna Williams moved that Assembly Concurrent Resolution No. 47 be re-referred to the Committee on Elections and Procedures.

Motion carried.

Resolution ordered reprinted, engrossed and to the Committee on Elections and Procedures.

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 79—Amending the Joint Rules of the Senate and Assembly with respect to requests for bill drafts made by standing committees.

Assemblyman Myrna Williams moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 48.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Senate Bill No. 48:

YEAS—42.

NAYS—None.

Senate Bill No. 48 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 152.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 748.

Amend section 3.5, page 1, by deleting line 15.

Amend section 3.5, page 1, line 16, by deleting "*2.*" and inserting "*1.*".

Amend section 3.5, page 1, line 17, by deleting "*3.*" and inserting "*2.*".

Amend section 3.5, page 2, line 1, by deleting "*4.*" and inserting "*3.*".

Amend section 3.5, page 2, line 5, by deleting "*5.*" and inserting "*4.*".

Amend section 11.5, page 5, by deleting line 23.

Amend section 11.5, page 5, line 24, by deleting "*2.*" and inserting "*1.*".

Amend section 11.5, page 5, line 25, by deleting "*3.*" and inserting "*2.*".

Amend section 11.5 page 5, line 27, by deleting "*4.*" and inserting "*3.*".

Amend section 11.5, page 5, line 31, by deleting "*5.*" and inserting "*4.*".

Amend the title of the bill, first line, by deleting "certain".

Amend the summary of the bill, first line, by deleting "certain".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 583.

Bill read third time.

Remarks by Assemblymen Gregory and Freeman.

Roll call on Assembly Bill No. 583:

YEAS—40.

NAYS—Humke.

Not voting—Wendell Williams.

Assembly Bill No. 583 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 624.

Bill read third time.

Remarks by Assemblyman Freeman.

Assemblyman Freeman moved that Assembly Bill No. 624 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Freeman.

Motion carried.

Senate Bill No. 79.

Bill read third time.

Remarks by Assemblymen Evans and Anderson.

Roll call on Senate Bill No. 79:

YEAS—42.

NAYS—None.

Senate Bill No. 79 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 139.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Senate Bill No. 139:

YEAS—42.

NAYS—None.

Senate Bill No. 139 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 402.

Bill read third time.

Remarks by Assemblymen Smith, Collins, Freeman, Gibbons, Carpenter, Myrna Williams and Petrak.

Roll call on Senate Bill No. 402:

YEAS—42.

NAYS—None.

Senate Bill No. 402 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 239, 280, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 195, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 764, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Commerce.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 748, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 39, 100, 102, 282, 378, 562, 696, 748; Senate Bills Nos. 239, 280 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 507 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Freeman moved that Assembly Bill No. 624 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Freeman.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 764 be re-referred to the Committee on Commerce.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 21, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 460, 536.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 398, 416, 429, 474, 484.

MARY JO MONGELLI
Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Assembly Bill No. 39.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 839.

Amend the bill as a whole by deleting section 1 and adding two new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 245.210 is hereby amended to read as follows:

245.210 1. The board of county commissioners of each of the several counties shall, by ordinance or agreement pursuant to chapter 288 of NRS, provide for annual, sick and disability leave for elected and appointed county officers and county employees. The provisions of such an ordinance or agreement may be more restrictive but not more extensive than the provisions set forth in this section.

2. The ordinance or agreement must include provisions in substance as follows:

(a) A provision that all elected and appointed officers and employees are entitled to annual leave with pay of 1¼ working days for each month of service, which may be cumulative from year to year not to exceed 30 working days.

(b) A provision that the board of county commissioners may by order provide for additional annual leave for long-term appointed officers and employees and for prorated annual leave for part-time employees.

(c) A provision that if an appointed officer or employee dies and was entitled to accumulated annual leave under the provisions of the ordinance, the heirs of [such] *the* deceased officer or employee who are given priority to succeed to his assets under the laws of intestate succession of this state, or the executor or administrator of his estate, upon submitting satisfactory proof to the board of county commissioners of their entitlement, are entitled to be paid an amount of money equal to the number of days earned or accrued annual leave multiplied by the daily salary or wages of the deceased officer or employee.

(d) A provision that an elected county officer must not be paid for accumulated annual leave upon termination of his service.

(e) A provision that during the first 6 months of employment of any appointed officer or employee, annual leave accrues as provided in paragraph (a), but annual leave must not be taken during this period.

(f) A provision that an appointed officer or employee must not be paid for accumulated annual leave upon termination of employment unless he has been employed for 6 months or more.

(g) A provision that all elected and appointed officers and employees are entitled to sick and disability leave with pay of 1¼ working days for each month of service, which may be cumulative from year to year.

(h) A provision that the board of county commissioners may by order provide for additional sick and disability leave for long-term employees and for prorated sick and disability leave for part-time employees.

(i) A provision that any appointed officer or employee may be granted a leave of absence without pay.

3. Such an ordinance or agreement may include a provision that upon termination of employment, retirement or death all elected and appointed officers and employees are entitled to payment for their unused sick leave at their *rate of* salary [rate] at the time of termination, retirement or death.

4. Such an ordinance or agreement may include a provision that elected and appointed county officers and employees may donate portions of their accumulated annual and sick leave to other elected and appointed county officers and employees. If such a provision is adopted, donated time must be converted into money at the hourly rate of salary of the donor and the money must be converted into sick leave at the hourly rate of salary of the recipient.

Sec. 2. NRS 252.070 is hereby amended to read as follows:

252.070 1. All district attorneys are authorized to appoint deputies, who may transact all official business appertaining to the offices, to the same extent as their principals.

2. District attorneys are responsible on their official bonds for all official malfeasance or nonfeasance of the deputies. Bonds for the faithful performance of their official duties may be required of deputies by district attorneys.

3. All appointments of deputies under the provisions of this section must be in writing, and must, together with the oath of office of the deputies, be filed and recorded in a book provided for that purpose in the office of the recorder of the county within which the district attorney legally holds and exercises his office. Revocations of those appointments must also be filed and recorded as provided in this section. From the time of the filing of the appointments or revocations therein, persons shall be deemed to have notice of the appointments or revocations.

4. Deputy district attorneys of counties whose population is less than 100,000 may engage in the private practice of law. In any other county, except as otherwise provided in NRS 7.065, deputy district attorneys shall not engage in the private practice of law.

5. Any district attorney may, subject to the approval of the board of county commissioners, appoint such clerical, investigational and operational staff as the execution of duties and the operation of his office may require. The compensation of any person so appointed must be fixed by the board of county commissioners. Investigators employed by a district attorney have the powers of peace officers.

6. In a county whose population is 400,000 or more, deputies are governed by the merit personnel system of the county.".

Amend the title of the bill, first line, by deleting: "exempting certain part-time employees from" and inserting: "providing for the donation of sick leave; adding certain deputy district attorneys to".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes concerning county employees. (BDR 20-219)".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 100.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 987.

Amend section 1, page 1, line 5, by deleting "3" and inserting "[3] *2*".

Amend section 1, page 1, line 8, by deleting "*1996-97.*" and inserting: "*1996-97 and the duration of any tax so levied must expire by limitation on June 30, 1997.*".

Amend section 1, page 1, line 23, by deleting "1988-89." and inserting: "[1988-89] *during which the ballot question is approved by the voters.*".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 102.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 977.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sec. 3 as section 1.

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 and 6 as sections 2 and 3.

Amend the title of the bill to read as follows:

"An Act relating to property tax; requiring county treasurers to publish or post quarterly a notice of the dates those taxes are due and the penalties for delinquency; repealing the requirement that county treasurers take an oath concerning the payment of those taxes; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises duties of county treasurers regarding payment of property taxes. (BDR 32-485)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 282.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1004.

Amend section 1, page 1, by deleting lines 5 through 20 and inserting: "*voters of a county voting upon the question, the board of county commissioners may levy a tax ad valorem on all taxable property in the county at a rate not to exceed 15 cents per $100 of the assessed valuation of the county. A tax must not be levied pursuant to this section for more than 10 years.*

2. The board of county commissioners shall direct the county treasurer to distribute quarterly the proceeds of any tax levied pursuant to the provisions of this section among the county and the cities and towns within that county in the proportion that the supplemental city-county relief tax distribution factor of each of those local governments for the 1990-1991 fiscal year bears to the sum of the supplemental city-county relief tax distribution factors of all of the local governments in the county for the 1990-1991 fiscal year.

3. The board of county commissioners shall not reduce the rate of any tax levied pursuant to the provisions of this section without the approval of each of the local governments that receives a portion of the tax, except that, if a local government declines to receive its portion of the tax in a particular year the levy may be reduced by the amount that local government would have received.

4. The governing body of each local government that receives a portion of the revenue from the tax levied pursuant to this section shall establish a

separate fund for capital projects for the purposes set forth in this section. All interest and income earned on the money in the fund must also be deposited in the fund. The money in the fund may only be used for:

(a) The purchase of capital assets including land, improvements to land and major items of equipment;

(b) The construction or replacement of public works; and

(c) The renovation of existing governmental facilities, not including normal recurring maintenance.

The money in the fund must not be used to finance the issuance or the repayment of bonds or other obligations, including short-term financing.

5. Money may be retained in the fund for not more than 10 years to allow the funding of projects without the issuance of bonds or other obligations. For the purpose of determining the length of time a deposit of money has been retained in the fund, all money withdrawn from the fund shall be deemed to be taken on a first-in, first-out basis. No money in the fund at the end of the fiscal year may revert to any other fund, nor may the money be a surplus for any other purpose than those specified in this section.

6. The annual budget and audit report of each local government must specifically identify this fund and must indicate in detail the projects that have been funded with money from the fund. Any planned accumulation of the money in the fund must also be specifically identified.

7. The projects on which".

Amend the bill as a whole by adding new sections designated sections 3 through 6, and the text of repealed sections, following sec. 2, to read as follows:

"Sec. 3. NRS 244.263 is hereby amended to read as follows:

244.263 1. Notwithstanding the provisions of NRS [244.260 and] 450.250, with the approval of the state board of finance, the board of county commissioners of any county may, by an order of the board, create in the county treasury a fund to be designated as the county hospital construction fund.

2. Money in the county hospital construction fund must be used only for participation in the construction of a health facility pursuant to the provisions of NRS 449.250 to 449.430, inclusive. As used in this subsection, "construction" and "health facility" have the same meanings ascribed to them in subsections 2 and 6 of NRS 449.260.

3. The county hospital construction fund may be composed of:

(a) All or a part of the money paid to the county under the provisions of paragraph (b) of subsection 2 of NRS 463.320.

(b) [All or a part of the money accumulated by the county pursuant to the provisions of NRS 244.260.

(c)] The proceeds of any annual special tax levied by the board of county commissioners for the fund.

4. Money deposited in a county hospital construction fund does not revert to the county general fund at the end of any fiscal year, but no county hospital construction fund may exist for a period longer than 10 years from

the date of the order of its creation. Any money remaining in the county hospital construction fund at the end of the 10-year period reverts to the county general fund.

5. Any money in the county hospital construction fund may, from time to time, be invested only in short-term bonds of the United States Government.

Sec. 4. Section 2 of Senate Bill No. 172 of this session is hereby amended to read as follows:

Sec. 2. NRS 244.263 is hereby amended to read as follows:

244.263 1. Notwithstanding the provisions of NRS 450.250, [with the approval of the state board of finance,] the board of county commissioners of any county may, by an order of the board, create in the county treasury a fund to be designated as the county hospital construction fund.

2. Money in the county hospital construction fund must be used only for participation in the construction of a health facility pursuant to the provisions of NRS 449.250 to 449.430, inclusive. As used in this subsection, "construction" and "health facility" have the same meanings ascribed to them in subsections 2 and 6 of NRS 449.260.

3. The county hospital construction fund may be composed of:

(a) All or a part of the money paid to the county under the provisions of paragraph (b) of subsection 2 of NRS 463.320.

(b) The proceeds of any annual special tax levied by the board of county commissioners for the fund.

4. Money deposited in a county hospital construction fund does not revert to the county general fund at the end of any fiscal year, but no county hospital construction fund may exist for a period longer than 10 years from the date of the order of its creation. Any money remaining in the county hospital construction fund at the end of the 10-year period reverts to the county general fund.

5. Any money in the county hospital construction fund may, from time to time, be invested only in short-term bonds of the United States Government.

Sec. 5. NRS 244.260 and section 1 of Senate Bill No. 172 of this session are hereby repealed.

Sec. 6. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

244.260 County surplus building and maintenance reserve fund; special tax; investment of money.

1. With the approval of the state board of finance, the board of county commissioners of any county may accumulate a fund, for a period not to exceed 14 years, for the purpose of constructing, making additions to, or repairing any and all buildings which by law the board is authorized to build, repair, manage and control, by the levy of an annual special tax not to exceed 25 cents on each $100 of assessed value of real and personal property in the county.

2. All moneys collected from the special tax shall be placed with the county treasurer in a fund to be known as the county surplus building and

maintenance reserve fund. Any moneys in the fund at the end of the fiscal year shall not revert to the county general fund but shall remain in the county surplus building and maintenance reserve fund until earmarked for a specific purpose.

3. Any moneys in the county surplus building and maintenance reserve fund may, from time to time, be invested only in short-term United States Government bonds.

Section 1 of Senate Bill No. 172 of this session:

Section 1. NRS 244.260 is hereby amended to read as follows:

244.260 1. [With the approval of the state board of finance, the] *The* board of county commissioners of any county may accumulate a fund, for a period not to exceed 14 years, for the purpose of constructing, making additions to, or repairing any and all buildings which by law the board is authorized to build, repair, manage and control, by the levy of an annual special tax not to exceed 25 cents on each $100 of assessed value of real and personal property in the county.

2. All [moneys] *money* collected from the special tax [shall] *must* be placed with the county treasurer in a fund to be known as the county surplus building and maintenance reserve fund. Any [moneys] *money* in the fund at the end of the fiscal year [shall] *does* not revert to the county general fund but [shall] *must* remain in the county surplus building and maintenance reserve fund until earmarked for a specific purpose.

3. Any [moneys] *money* in the county surplus building and maintenance reserve fund may, from time to time, be invested only in short-term United States Government bonds.".

Amend the title of the bill to read as follows:

"An Act relating to local financial administration; authorizing counties to impose property taxes, upon approval of the voters, for accumulation in a fund for capital projects to be used to finance public works; eliminating the authority of a county to maintain a surplus building and maintenance reserve fund; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to local financial administration. (BDR 31-122)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 378.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 937.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sections 3 through 6 as sections 1 through 4.

Amend the title of the bill, first and second lines by deleting: "imposing a temporary moratorium on the adoption of regulations by state agencies;".

Amend the summary of the bill to read as follows.

"Summary—Creates advisory committee to study state regulations. (BDR S-135)".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Assemblyman Lambert moved that Assembly Bill No. 378 be re-referred to the Committee on Elections and Procedures.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Elections and Procedures.

Assembly Bill No. 562.

Bill read second time.

The following amendment was proposed by the Committee on Labor and Management:

Amendment No. 851.

Amend section 1, page 1, by deleting line 3 and inserting:

"*1. Except for the purpose of developing the directory required by NRS 231.127 or a supplement thereto, the commis-*".

Amend section 1, page 1, by deleting lines 5 through 7 and inserting:

"*(a) Recommend a person for employment with a motion picture company; or*

(b) Solicit a resumé from a person for such a company. This paragraph does not prohibit the commission from accepting resumés and placing them in the directory required by NRS 231.127 or a supplement thereto.

2. An employee of the commission on economic development must not be employed simultaneously by a motion picture company that is producing a motion picture within the State of Nevada.".

Amend the bill as a whole by adding new sections designated sections 2 and 3 following section 1, to read as follows:

"Sec. 2. NRS 231.127 is hereby amended to read as follows:

231.127 1. The division of motion pictures shall formulate a program to promote the production of motion pictures in Nevada. The program must include development of:

(a) A directory of the names of persons, firms and governmental agencies in this state which are capable of furnishing the skills and facilities needed in all phases of the production of motion pictures; and

(b) A library containing video tapes which depict the variety and extent of the locations in this state which are available for the production of motion pictures.

The directory of names and the library of video tapes must be kept current and be cross-referenced.

2. The program may include:

(a) The preparation and distribution of other appropriate promotional and informational material, including advertising, which points out desirable locations within the state for the production of motion pictures, explains the

benefits and advantages of producing motion pictures in this state, and describes the services and assistance available from this state and its local governments;

(b) Assistance to motion picture companies in securing permits to film at certain locations and in obtaining other services connected with the production of motion pictures; and

(c) Encouragement of cooperation among local, state and federal agencies and public organizations in the location and production of motion pictures.

3. The division of motion pictures shall provide a copy of the directory developed pursuant to paragraph (a) of subsection 1 and any supplements thereto to a motion picture company that requests any information contained in the directory. The division shall not comment on or provide its opinion regarding any of the persons, firms or governmental agencies listed in the directory to such a company.

Sec. 3. This act becomes effective on July 1, 1993.".

Amend the title of the bill to read as follows:

"An Act relating to the commission on economic development; prohibiting the commission from recommending a person for employment with a motion picture company; prohibiting an employee of the commission from simultaneously being employed by a motion picture company; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "referring or".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 696.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 845.

Amend the bill as a whole by deleting sections 1 through 10 and adding new sections designated sections 1 through 11, following the enacting clause, to read as follows:

"Section 1. As used in this act, unless the context otherwise requires:

1. "Commission" means the Tricounty Railway Commission created pursuant to section 2 of this act.

2. "Commissioner" means a person appointed to serve on the commission pursuant to section 3 of this act.

3. "County" includes Carson City.

4. "Governing bodies" means the board of supervisors of Carson City and the boards of county commissioners of Lyon and Storey counties.

Sec. 2. 1. The Tricounty Railway Commission of Carson City and Lyon and Storey counties is hereby created.

2. The property and revenues of the commission, and any interest therein, are exempt from all state and local taxation.

3. The commission is a body corporate and politic, the geographical jurisdiction of which is Carson City and Lyon and Storey counties.

4. The provisions of this act must be broadly construed to accomplish its purposes.

Sec. 3. 1. The commission must be composed of five commissioners appointed as follows:

(a) Two members appointed by the board of supervisors of Carson City, at least one of whom must be a member of that board;

(b) One member appointed by the board of county commissioners of Lyon County from among its members;

(c) One member appointed by the board of county commissioners of Storey County from among its members; and

(d) One member appointed by the Virginia and Truckee Historical Railroad Society from among its members.

2. If the Virginia and Truckee Historical Railroad Society ceases to exist but is replaced by an entity which is organized for the same purposes, that entity is entitled to appoint the member pursuant to paragraph (d) of subsection 1. If the society ceases to exist and is not replaced, the number of commissioners is reduced to four and no member may be appointed pursuant to paragraph (d) of subsection 1.

3. As soon as practicable after July 1, 1993, the appointing authorities shall make the appointments required by subsection 1. One commissioner appointed pursuant to paragraph (a) of subsection 1, as determined by the board of supervisors of Carson City, and the member appointed pursuant to paragraph (d) of subsection 1 must be appointed to an initial term of 2 years. All of the other appointments must be for initial terms of 4 years. After the initial terms, the term of office of each commissioner is 4 years. A member is eligible for reappointment.

4. The office of a member who is required as a qualification for appointment to be a member of the body appointing him becomes vacant on the date he ceases to be a member of that appointing body.

5. Each commissioner serves at the pleasure of his appointing authority and all vacancies must be filled for the unexpired term in the same manner as the original appointment.

Sec. 4. 1. Each commissioner appointed pursuant to paragraph (b) or (c) of subsection 1 of section 3 of this act shall file his oath of office with the clerk of the county from which he was appointed and all other commissioners shall file their oaths of office with the clerk of Carson City.

2. The commissioners must serve without compensation, but a commissioner may be reimbursed for expenses actually incurred by him for travel authorized by the commission.

3. The commission shall elect a chairman, vice chairman, secretary and treasurer from among its members. The secretary and the treasurer may be one person. The terms of the officers expire on July 1 of each odd-numbered year.

4. The secretary shall maintain a record of all of the proceedings of the commission, minutes of all meetings, certificates, contracts and other acts of the commission. The records must be open to the inspection of all interested persons at a reasonable time and place.

5. The treasurer shall keep an accurate account of all money received by and disbursed on behalf of the commission. He shall file with the clerk of Carson City, at the expense of the commission, a fidelity bond in an amount not less than $10,000, conditioned for the faithful performance of his duties.

Sec. 5. 1. The commission shall meet upon the call of the chairman or a majority of the commissioners.

2. A majority of the commissioners constitutes a quorum at any meeting.

3. The governing bodies shall each make available an appropriate meeting room and provide adequate clerical staff and equipment to provide adequate notice of the meeting and to produce minutes of the meeting and any other assistance necessary to allow the commission to comply with the provisions of chapter 241 of NRS.

4. The commission shall alternate the location of its meetings among the facilities provided pursuant to subsection 1.

5. A commissioner is not personally liable for any actions taken or omitted in good faith in the performance of his duties pursuant to the provisions of this act.

Sec. 6. The commission may:

1. Acquire by gift, devise, purchase, lease or trade any real and personal property it deems necessary for any project authorized by this act.

2. Lease, sell or otherwise dispose of any property.

3. Enter into any contracts necessary for any project authorized by this act. The duration of any such contracts may exceed the terms of office of the commissioners.

4. Construct and provide for the maintenance of walkways, parks and pathways for bicycles.

5. Solicit, accept and use gifts, grants and other donations from public and private sources.

6. Exercise the power of eminent domain as provided in chapter 37 of NRS to acquire the property rights necessary for any project authorized by this act, which is hereby declared to be a public purpose.

7. Adopt, enforce, amend and repeal any rules and regulations necessary for the administration and use of any railway, park, walkways, pathway for bicycles or other facilities leased, constructed, created or acquired by the commission.

8. Employ or contract with any persons or governmental entities necessary for the operation or maintenance of any project authorized pursuant to this act.

9. Establish fees and other charges for the use of any railway, park, walkways, pathway for bicycles or other facilities leased, constructed, created or acquired by the commission.

10. Regulate vehicular traffic on the right of ways and property leased or owned by the commission.

11. Grant any exclusive franchises and concessions it deems appropriate to carry out the provisions of this act.

12. Take such other actions necessary to accomplish the purposes of this act and to comply with any statute or regulation of this state or of the Federal Government.

Sec. 7. 1. The commission may do all things necessary to establish and maintain a railway, including, without limitation:

(a) Purchasing, leasing or otherwise acquiring right of ways and constructing railways and any facilities or other appurtenances it deems appropriate in connection therewith; and

(b) Operating or granting franchises for the operation of a railroad that carries passengers to locations within the jurisdiction of the commission.

2. In addition to regulation by another agency related to public health and safety that is required by local ordinance or state or federal law, the commission shall regulate all franchisees and concessionaires who operate on the right of way or property owned or leased by the commission.

3. A railway acquired, constructed or leased by the commission pursuant to this act is not a street railway for the purposes of chapter 709 of NRS.

4. Notwithstanding any provision of Title 58 of NRS to the contrary, the rates charged by a railroad operated by the commission or pursuant to a franchise or other agreement with the commission, are not subject to regulation by the public service commission of Nevada.

Sec. 8. 1. The commission may enter into an agreement with the district attorney of Carson City or Lyon or Storey County, or any combination thereof, to provide legal services to the commission. The commission may authorize payment to the district attorney for the costs to the district attorney for providing such services.

2. The commission shall enter into an agreement with the treasurer of Carson City or Lyon or Storey County to create a fund for the commission and pay all claims against the fund that are properly approved by the commission. The commission may authorize payment to the treasurer for the costs to the treasurer for providing such services.

3. All money received by the commission must be deposited in the fund created pursuant to subsection 2. The money in the fund must be used only for the necessary expenses of the commission and the costs of the projects authorized by this act.

Sec. 9. 1. The commission shall adopt a budget for its operation and for each project it proposes for presentation to the governing bodies. Each budget must be accompanied by a proposed allocation of the net cost of the budget among the governing bodies which must be based upon the benefit of the commission or project to the jurisdiction of the governing body or another equally appropriate indicator.

2. Upon final determination and allocation of the costs by agreement of the governing bodies, each governing body shall include its portion of the costs in its budget for the purposes of chapter 354 of NRS and shall fund its share of the cost by:

(a) Issuing bonds pursuant to chapter 350 of NRS;

(b) Imposing an additional tax on the rental of transient lodging;

(c) Upon approval by the voters, imposing an additional tax upon retailers at a rate not exceeding one-half of 1 percent of the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed in the county;

(d) Upon approval of the voters, levying a property tax not exceeding 2 cents per $100 of assessed valuation on all taxable property in the county; or

(e) Any combination of the options provided in paragraphs (a) to (d), inclusive, including the issuance of bonds which will be repaid from the revenue of one or more of the taxes authorized in this section which may be treated as pledged revenues for the purposes of NRS 350.020.

3. If the county imposes a tax pursuant to paragraph (c) of subsection 2 it shall include in the ordinance imposing the tax:

(a) Provisions substantially identical to those contained in chapter 374 of NRS;

(b) A provision stating that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with the provisions of the ordinance, automatically become a part of the ordinance;

(c) A provision that the county shall contract before the effective date of the ordinance with the department to perform all functions incident to the administration or operation of the tax in the county; and

(d) The date on which the tax must first be imposed, which must not be earlier than the first day of the second calendar month following the adoption of the ordinance by the governing body.

4. The revenue from any tax levied pursuant to paragraph (d) of subsection 2 must not be included in any calculation of:

(a) Any limitations on ad valorem taxation by local governments other than NRS 361.453.

(b) The distribution of revenue from the supplemental city-county relief tax.

Sec. 10. If any provision of this act or the application thereof to any person, thing or circumstance is held invalid, the invalidity does not affect the provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Sec. 11. This act becomes effective on July 1, 1993.".

Amend the bill as a whole by adding a preamble, preceding the enacting clause, to read as follows:

"WHEREAS, On February 19, 1869, ground was broken for the Virginia and Truckee Railroad and 8 months later it was doing business between Virginia City and Carson City, a distance of 21 miles; and

WHEREAS, The 13-mile portion of the track between Virginia City and the Carson River is a continuous incline that has caused the Virginia and Truckee Railroad to be called the "crookedest" railway in the United States because the total of the curves in the track are equal to going 17 times around a circle; and

WHEREAS, Running from 30 to 45 trains per day, the Virginia and Truckee Railroad carried supplies of all kinds, including heavy machinery for the mines and goods and merchandise for the towns of Virginia City and Gold Hill and returned with ore from the mines for the mills on the Carson River, carrying from 500 to 800 tons of ore daily out of the Comstock Lode; and

WHEREAS, The Virginia and Truckee Railroad has been recognized nationally as one of the greatest engineering feats of the 1800s; and

WHEREAS, The Nevada Legislature hereby finds and declares that a general law cannot be made applicable because of the unique nature of the opportunity to restore this "iron horse" of the past and the variety of local governments that must be involved in the restoration; now, therefore,".

Assemblyman Ernaut moved the adoption of the amendment.

Remarks by Assemblyman Ernaut.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 748.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 970.

Amend section 1, page 2, by deleting lines 37 and 38 and inserting: "the Nevada highway patrol of the department of motor vehicles and public safety for the pilot pro-".

Amend section 1, page 2, line 40, by deleting "$124,808" and inserting "$72,008".

Amend section 1, page 2, line 41, by deleting "$119,517" and inserting "$74,903".

Amend section 1, page 2, line 44, by deleting "general" and inserting "highway".

Amend section 1, page 2, line 46, after "Nevada" by inserting: "or his designee".

Amend the title of the bill to read as follows:

"An Act making an appropriation to the Nevada highway patrol of the department of motor vehicles and public safety for the pilot program for the Alliance for Uniform HazMat Transportation Procedures; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes appropriation to Nevada highway patrol of department of motor vehicles and public safety for pilot program for Alliance for Uniform HazMat Transportation Procedures. (BDR S-2122)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 239.

Bill read second time and ordered to third reading.

Senate Bill No. 280.

Bill read second time and ordered to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 398.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 416.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 429.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 460.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 474.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 484.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 536.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 507.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 967.

Amend the bill as a whole by renumbering sections 20 through 24 as sections 21 through 25 and adding a new section designated sec. 20, following sec. 19, to read as follows:

"Sec. 20. Section 6 of Assembly Bill No. 115 of this session is hereby amended to read as follows:

Sec. 6. NRS 41.031 is hereby amended to read as follows:

41.031 1. The State of Nevada hereby waives its immunity from liability and action and hereby consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations, except as otherwise provided in NRS 41.032 to 41.038, inclusive, section 12 of Assembly Bill No. 507 of this session , [and] subsection 4 of this section [,] *and any statute which expressly provides for governmental immunity,* if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive, or the limitations of NRS 41.010. The State of Nevada further waives the immunity from liability and action of all political subdivisions of the state, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, [and] subsection 4 of this section [,] *and any statute which expressly provides for governmental immunity,* if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive.

2. An action may be brought under this section against the State of Nevada or any political subdivision of the state. In any action against the State of Nevada, the action must be brought in the name of the State of Nevada on relation of the particular department, commission, board or other agency of the state whose actions are the basis for the suit. An action against the State of Nevada must be filed in the county where the cause or some part thereof arose or in Carson City. In an action against the State of Nevada, the summons and a copy of the complaint must be served upon the secretary of state and the person serving in the office of administrative head of the named agency.

3. Upon receipt of such a complaint, the secretary of state shall deliver a copy of the complaint to the risk management division of the department of administration.

4. The State of Nevada does not waive its immunity from suit conferred by Amendment XI of the Constitution of the United States.''.

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 624.

Bill read third time.

Remarks by Assemblymen Freeman and Ernaut.

Roll call on Assembly Bill No. 624:

YEAS—42.

NAYS—None.

Assembly Bill No. 624 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 301.

The following Senate amendment was read:

Amendment No. 857.

Amend section 1, page 1, line 13, by deleting "*individual*" and inserting "*industrial*".

Assemblyman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 301.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 116.

The following Senate amendment was read:

Amendment No. 841.

Amend section 1, page 2, between lines 4 and 5, by inserting:

"*4. The owner of a regulated facility shall submit, with any payment required by this section, the number assigned by the department of taxation, for the imposition and collection of taxes pursuant to chapter 364A of NRS, to the business for which the payment is made.*".

Amend section 1, page 2, line 5, by deleting "[5.] *4.*" and inserting "5.".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 459.3826 is hereby amended to read as follows:

459.3826 1. Each owner or operator of a new regulated facility shall, within 10 days after the opening of the facility, tender the base fee and any additional fee imposed by the state environmental commission of the state department of conservation and natural resources pursuant to [subsection 2 of] NRS 459.3824 for the first fiscal year with the form for registration of the facility.

2. Each owner or operator of a regulated facility registering a new highly hazardous substance at the facility shall tender the fee computed from the inventory of the highly hazardous substance when he registers the substance.".

Amend the title of the bill, second line, after "facilities;" by inserting: "requiring the owners of regulated facilities to submit certain information with payment of the annual fee;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes regarding payment by regulated facilities of certain fees regarding hazardous materials. (BDR 40-364)".

Assemblyman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 116.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 55, 122, 123, 383, 462, 581; Assembly Concurrent Resolutions Nos. 37, 55; Senate Bills Nos. 155, 163, 278, 321, 400, 485; Senate Concurrent Resolution No. 48.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Robyn Etchinek and Joanna Davis.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Major John Fuller.

On request of Assemblyman Regan, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Nancy Clark.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, June 22, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 12:30 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-SIXTH DAY

CARSON CITY (Tuesday), June 22, 1993

Assembly called to order at 11:10 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Elaine Morgan.

Great Creator, source of all that is good, help us to maintain a sense of justice, a sense of compassion, a sense of humor, a sense of trust. Forgive us for the mistakes we have made. Give us Your approval for those things we have done right. Direct us and help us to make those decisions we have yet to make. Give us Your blessing and support for the sake of the people of Nevada. Help us to be always true to Your leadership. May Your support and presence be in our lives now and always. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 295, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 92, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 153, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 230, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 686, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 21, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 33, 207, 522.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 432, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 148 and requests a conference, and appointed Senators McGinness, Brown and Lowden as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 118, 212.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bills Nos. 10, 201.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 45.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted, as amended.

SECOND READING AND AMENDMENT

Senate Bill No. 218.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1009.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 391.095 is hereby amended to read as follows:

391.095 *1.* A school district may enter into an agreement with a branch of the University and Community College System of Nevada *or an accredited postsecondary educational institution which provides a program for the education of teachers and is licensed by the commission on postsecondary education,* for the assignment of [its] students for training purposes as student teachers, counselors or trainees in a library, or for experience in a teaching laboratory. Students so assigned within the school district for training purposes may, under the direction and supervision of a licensed teacher, instruct and supervise pupils in the school, on the school grounds or on authorized field trips. The students so assigned are employees of the school district for purposes of NRS 41.038 and 41.039, while performing such authorized duties, whether or not the duties are performed entirely in the presence of the licensed teacher.

2. As used in this section:

(a) "Accredited" has the meaning ascribed to it in NRS 394.006.

(b) "Postsecondary educational institutional" has the meaning ascribed to it in NRS 394.099.

Sec. 2. A school district shall not enter into an agreement pursuant to NRS 391.095, as amended by this act, with any institution other than the University and Community College System of Nevada that continues beyond June 30, 1997.

Sec. 3. This act becomes effective at 12:01 a.m. on July 1, 1993, and expires by limitation on June 30, 1997.".

Assemblyman Wendell Williams moved that Senate Bill No. 218 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Wendell Williams.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 195.

Bill read third time.

Remarks by Assemblymen Chowning, Collins, Haller and Arberry.

Roll call on Senate Bill No. 195:

YEAS—41.

NAYS—Neighbors.

Senate Bill No. 195 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 39, 100, 102, 152, 507, 562, 696, 748 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 282 be placed at the top of the General File.

Motion carried.

Assemblyman Sader moved that Assembly Bill No. 463 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Kenny, Garner and Scherer as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 148.

GENERAL FILE AND THIRD READING

Assembly Bill No. 282.

Bill read third time.

Remarks by Assemblymen Price, Augustine, Marvel and Lambert.

Roll call on Assembly Bill No. 282:

YEAS—42.

NAYS—None.

Assembly Bill No. 282 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Assemblyman Price moved that all rules be suspended and that Assembly Bill No. 282 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Bill No. 239.

Bill read third time.

Remarks by Assemblyman Heller.

Roll call on Senate Bill No. 239:

YEAS—42.

NAYS—None.

Senate Bill No. 239 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 280.

Bill read third time.

Remarks by Assemblymen Tiffany, Haller and Arberry.

Roll call on Senate Bill No. 280:

YEAS—42.

NAYS—None.

Senate Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 39.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 39:

YEAS—42.

NAYS—None.

Assembly Bill No. 39 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 100.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 100:

YEAS—42.

NAYS—None.

Assembly Bill No. 100 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 102.
Bill read third time.
Remarks by Assemblyman Price.
Roll call on Assembly Bill No. 102:
YEAS—42.
NAYS—None.

Assembly Bill No. 102 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 152.
Bill read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Assembly Bill No. 152:
YEAS—41.
NAYS—None.
Not voting—Scherer.

Assembly Bill No. 152 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 507.
Bill read third time.
Remarks by Assemblymen Porter, Anderson, Regan, Toomin and Collins.
Roll call on Assembly Bill No. 507:
YEAS—27.
NAYS—Augustine, Bache, Collins, Ernaut, Evans, Gibbons, Gregory, Lambert, Marvel, Neighbors, Scherer, Spitler, Tiffany, Mr. Speaker—14.
Not voting—Bonaventura.

Assembly Bill No. 507 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 562.
Bill read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Assembly Bill No. 562:
YEAS—42.
NAYS—None.

Assembly Bill No. 562 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 696.
Bill read third time.
Remarks by Assemblyman Ernaut.
Roll call on Assembly Bill No. 696:
YEAS—42.
NAYS—None.

Assembly Bill No. 696 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 748.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Assembly Bill No. 748:

YEAS—42.

NAYS—None.

Assembly Bill No. 748 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 463.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 990.

Amend the bill as a whole by deleting sections 1 and 2, renumbering sec. 3 as sec. 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. Chapter 453 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A court may establish an appropriate treatment program to which it may assign a person pursuant to NRS 453.3363 or 458.300 or it may assign such a person to an appropriate facility for the treatment of abuse of alcohol or drugs which is certified by the bureau of alcohol and drug abuse of the rehabilitation division of the department of human resources. The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the person is making satisfactory progress towards completion of the program.

2. A program to which a court assigns a person pursuant to subsection 1 must include:

(a) Information and encouragement for the participant to cease abusing alcohol or using controlled substances through educational, counseling and support sessions developed with the cooperation of various community, health, substance abuse, religious, social service and youth organizations;

(b) The opportunity for the participant to understand the medical, psychological and social implications of substance abuse; and

(c) Alternate courses within the program based on the different substances abused and the addictions of participants.

3. If the offense with which the person was charged involved the use or possession of a controlled substance, in addition to the program or as a part of the program the court must also require frequent urinalysis to determine that the person is not using a controlled substance. The court shall specify

how frequent such examinations must be and how many must be successfully completed, independently of other requisites for successful completion of the program.

4. Before the court assigns a person to a program pursuant to this section, the person must agree to pay the cost of the program to which he is assigned and the cost of any additional supervision required pursuant to subsection 3, to the extent of his financial resources. If the person does not have the financial resources to pay all of the related costs, the court shall, to the extent practicable, arrange for the person to be assigned to a program at a facility that receives a sufficient amount of federal or state funding to offset the remainder of the costs.

Sec. 2. NRS 453.3363 is hereby amended to read as follows:

453.3363 1. If a person who has not previously been convicted [within the past 10 years] of any offense under NRS 453.011 to 453.552, inclusive, or under any statute of the United States or of any state relating to narcotic drugs, marihuana, or stimulant, depressant or hallucinogenic substances tenders a plea of guilty, nolo contendere or similar plea to a charge [of possession of a controlled substance] under NRS 453.336, *453.411 or 454.351,* or is found guilty of [that charge,] *one of those charges,* the court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place him on probation upon terms and conditions that must include attendance and successful completion of an educational program or, in the case of a person dependent upon drugs, of a program of treatment and rehabilitation [. Such a program must include frequent urinalysis to determine that the accused is not using a controlled substance. The court shall specify how frequent such examinations must be and how many must be successfully completed, independently of other requisites for successful completion of the program.] *pursuant to section 1 of this act.*

2. Upon violation of a term or condition, the court may enter a judgment of conviction and proceed as provided in [paragraph (a) or (d) of subsection 2 of NRS 453.336.] *the section under which the accused was charged.* Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him. A nonpublic record of the dismissal must be transmitted to and retained by the department of parole and probation solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section.

3. Except as otherwise provided in subsection 4, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. He may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowl-

edge that arrest, indictment, information or trial in response to an inquiry made of him for any purpose. Discharge and dismissal under this section may occur only once with respect to any person.

4. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to him.

Sec. 3. NRS 458.300 is hereby amended to read as follows:

458.300 Subject to the provisions of NRS 458.290 to 458.350, inclusive, an alcoholic or a drug addict who has been convicted of a crime is eligible to elect *to be assigned by the court to a program of* treatment [under the supervision of a state-approved facility for the treatment of] *for the* abuse of alcohol or drugs *pursuant to section 1 of this act* before he is sentenced unless:

1. The crime is a crime against the person punishable as a felony or gross misdemeanor as provided in chapter 200 of NRS;

2. The crime is that of [selling a controlled substance,] trafficking of a controlled [substance, possessing a controlled substance for the purpose of sale, or conspiracy to sell, traffic or possess for the purpose of sale a controlled] substance;

3. The crime is that of driving under the influence of intoxicating liquor or while an habitual user or under the influence of a controlled substance or while incapable of safely driving because of the use of any chemical, poison or organic solvent as provided for in NRS 484.379, or such driving which causes the death of or substantial bodily harm to another person as provided in NRS 484.3795;

4. The alcoholic or drug addict has a record of one or more convictions of a crime described in subsection 1 or 2, a similar crime in violation of the laws of another state, or of two or more convictions of any felony;

5. Other criminal proceedings alleging commission of a felony are pending against the alcoholic or drug addict;

6. The alcoholic or drug addict is on probation or parole and the appropriate parole or probation authority does not consent to the election; or

7. The alcoholic or drug addict elected and was admitted, pursuant to NRS 458.290 to 458.350, inclusive, to a program of treatment within the preceding 5 years.".

Amend sec. 3, page 2, line 26, by deleting: "July 1, 1993." and inserting: "January 1, 1994.".

Amend sec. 3, page 2, line 28, by deleting: "July 1, 1993." and inserting: "January 1, 1994.".

Amend the title of the bill to read as follows:

"An Act relating to the abuse of alcohol and drugs; expanding the provision allowing a court to suspend proceedings for certain offenses relating to the possession of controlled substances upon participation in an educational or rehabilitational program to include certain offenses relating to unlawful use of controlled substances and to drugs which may not be

introduced into interstate commerce; authorizing courts to establish programs for treatment of the abuse of alcohol or controlled substances; providing standards for programs for the treatment of the abuse of alcohol or controlled substances; expanding the circumstances under which an alcoholic or a drug addict convicted of a crime is eligible to elect treatment for the abuse of alcohol or drugs before sentencing; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions governing participation of criminal defendants in programs for treatment of alcohol or drug abuse. (BDR 40-1809)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 192, 243, 508, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 614, 667, 689, 742; Senate Bill No. 294, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 643, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 84, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 153, 295, 614, 643, 667, 686, 689, 742; Senate Bills Nos. 84, 92, 192, 230, 243, 294 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Wendell Williams moved that Senate Bill No. 218 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Wendell Williams.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Porter moved that the Assembly do not recede from its action on Senate Bill No. 201, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Porter.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Arberry, Myrna Williams and Augustine as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 201.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that Assembly Bill No. 394 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Price.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:11 p.m.

ASSEMBLY IN SESSION

At 12:37 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 238, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

CHRIS GIUNCHIGLIANI	WILLIAM R. O'DONNELL
DAVID E. HUMKE	LAWRENCE E. JACOBSEN
JAN EVANS	BOB COFFIN
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Giunchigliani moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 238.

Remarks by Assemblyman Giunchigliani.

Motion carried.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Sader moved that the Assembly do not recede from its

action on Senate Bill No. 10, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Sader.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Sader, Schneider and Gregory as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 10.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 175.

The following Senate amendment was read:

Amendment No. 795.

Amend section 1, page 1, line 3, by deleting "*state*" and inserting "*public*".

Amend section 1, page 1, by deleting lines 15 and 16 and inserting:

"2. *As used in this section, "public employee" means any person who performs public duties for compensation paid by the state, a county, city, local government or other political subdivision of the state, or an agency thereof.*".

Amend the title of the bill to read as follows:

"An Act relating to crimes against public justice; prohibiting a person from threatening or intimidating a public employee; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Prohibits person from threatening or intimidating public employee. (BDR 15-466)".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 175.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 209.

The following Senate amendment was read:

Amendment No. 550.

Amend section 1, page 1, by deleting lines 3 through 9 and inserting: "*If necessary to prevent escape, an officer may, after giving a warning, if feasible, use deadly force to effect the arrest of a person only if there is probable cause to believe that the person:*

1. Has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force; or

2. Poses a threat of serious bodily harm to the officer or to others.".

Amend the bill as a whole by renumbering sec. 4 as sec. 6 and adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

"Sec. 4. NRS 200.160 is hereby amended to read as follows:

200.160 Homicide is also justifiable when committed: [either:]

1. In the lawful defense of the slayer, or his or her husband, wife, parent, child, brother or sister, or of any other person in his presence or company, when there is reasonable ground to apprehend a design on the part of the person slain to commit a felony or to do some great personal injury to the slayer or to any such person, and there is imminent danger of such design being accomplished;*or*

2. In the actual resistance of an attempt to commit a felony upon the slayer, in his presence, or upon or in a dwelling, or other place of abode in which he is . [; or

3. By any person, when committed upon the person of another who is engaged in the commission of a felony or an attempted felony, or who after the commission or attempted commission of any such felony is fleeing from the premises or resisting lawful pursuit and arrest within 20 miles of the premises where such felony was committed or attempted to be committed.]

Sec. 5. Section 1 of Assembly Bill No. 279 of this session is hereby amended to read as follows:

Section 1. NRS 171.122 is hereby amended to read as follows:

171.122 1. [The] *Except as otherwise provided in subsection 2, the* warrant must be executed by the arrest of the defendant. The officer need not have the warrant in his possession at the time of the arrest, but upon request he must show the warrant to the defendant as soon as possible. If the officer does not have a warrant in his possession at the time of the arrest, he shall then inform the defendant of his intention to arrest him, of the offense charged, the authority to make it and of the fact that a warrant has or has not been issued. The defendant must not be subjected to any more restraint than is necessary for his arrest and detention. If the defendant either flees or forcibly resists, the officer may, except as otherwise provided in section 1 of [this act,] *Assembly Bill No. 209 of this session,* use all necessary means to effect the arrest.

2. In lieu of executing the warrant by arresting the defendant, a peace officer may issue him a citation as provided in NRS 171.1773 if:

(a) The warrant is issued upon an offense punishable as a misdemeanor;

(b) The officer has no indication that the defendant has previously failed to appear on the charge reflected in the warrant;

(c) The defendant provides satisfactory evidence of his identity to the peace officer;

(d) The defendant signs a written promise to appear in court for the misdemeanor offense; and

(e) The officer has reasonable grounds to believe that the defendant will keep a written promise to appear in court.

3. The summons must be served upon a defendant by delivering a copy to him personally, or by leaving it at his dwelling house or usual place of abode with some person then residing in the house or abode who is at least 16 years of age and is of suitable discretion, or by mailing

it to the defendant's last known address. In the case of a corporation, the summons must be served at least 5 days before the day of appearance fixed in the summons, by delivering a copy to an officer or to a managing or general agent or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the corporation's last known address within the State of Nevada or at its principal place of business elsewhere in the United States.".

Amend the title of the bill to read as follows:

"An Act relating to deadly force; revising provisions relating to the use of deadly force to effect an arrest; revising the definition of justifiable homicide; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions relating to use of deadly force. (BDR 14-382)".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 209.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 327.

The following Senate amendment was read:

Amendment No. 819.

Amend section 1, page 1, line 7, by deleting "*The*" and inserting: "*Except as otherwise provided in this subsection, any*".

Amend section 1, page 1, by deleting lines 13 and 14 and inserting: "The court [may lower the amount of the fee imposed pursuant to this subsection if it determines that the defendant is unable to pay the entire amount.] *shall allow the defendant the option of paying the fee by performing community service at the rate of $5 per hour.*".

Amend section 1, page 2, line 2, by deleting "fund." and inserting: "fund.] *Except as otherwise provided in subsection 5, each month the treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.*".

Amend section 1, page 2, by deleting lines 17 through 20 and inserting: "created in NRS 484.388.".

Amend sec. 2, page 2, line 27, by deleting "The" and inserting: "[The] *Except as otherwise provided in this subsection, any*".

Amend sec. 2, page 2, by deleting lines 34 and 35 and inserting: "The court [may lower the amount of the fee imposed pursuant to this section if it determines that the defendant is unable to pay the entire amount.] *shall allow the defendant the option of paying the fee by performing community service at the rate of $5 per hour.*".

Amend sec. 2, page 3, line 3, by deleting "expenses." and inserting: "expenses.] *Except as otherwise provided in subsection 6, each month the*

treasurer shall, from the money credited to the fund pursuant to subsection 3, pay any amount owed for forensic services and deposit any remaining money in the county or city general fund, as appropriate.".

Amend sec. 2, page 3, by deleting lines 16 through 19 and inserting: "United States Department of Justice.".

Amend the title of the bill to read as follows:

"An Act relating to laboratory analysis; requiring, under certain circumstances, the fee for a chemical analysis that is required to be paid upon the conviction of certain offenses related to the use of an intoxicating liquor or controlled substance to be collected before or at the time any fine is collected; requiring a court to allow the defendant to pay such a fee by performing community service; revising the manner in which any remainder may be deposited; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions requiring payment of fee for chemical analysis upon conviction of certain offenses related to use of intoxicating liquor or controlled substance. (BDR 43-1184)".

Assemblyman Sader moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 327.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 361.

The following Senate amendment was read:

Amendment No. 520.

Amend the bill as a whole by renumbering sections 2 through 4 as sections 3 through 5 and inserting a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 122.062 is hereby amended to read as follows:

122.062 1. Any licensed or ordained minister in good standing within his denomination, whose denomination, governing body and church, or any of them, are incorporated or organized or established in the State of Nevada, may join together as husband and wife persons who present a marriage license obtained from any county clerk of the state, if such minister first obtains a certificate of permission to perform marriages as provided in [NRS 122.062] *this section and NRS 122.064* to 122.073, inclusive. The fact that a minister is retired [shall] *does* not disqualify him from obtaining a certificate of permission to perform marriages if, [prior to such] *before his* retirement, he had active charge of a congregation within this state for a period of at least 3 years.

2. A temporary replacement for a licensed or ordained minister certified pursuant to [NRS 122.062] *this section and NRS 122.064* to 122.073, inclusive, may solemnize marriages pursuant to subsection 1 during such time as he may be authorized to do so by the county clerk in the county in which he is a temporary replacement, for a period not to exceed 90 days.

The minister whom he temporarily replaces shall provide him with a written authorization which [shall state] *states* the period [of time] during which it is effective.

3. Any chaplain who is assigned to duty in this state by the Armed Forces of the United States may solemnize marriages, if he obtains a certificate of permission to perform marriages from the county clerk of the county in which his duty station is located. The county clerk shall issue such *a* certificate to a chaplain upon proof by him of his military status as a chaplain and of his assignment.

4. A county clerk may authorize a licensed or ordained minister whose congregation is in another state to perform [one or more] marriages in the county, if the county clerk satisfies himself that [:

(a) The] *the* minister is in good standing with his denomination or church . [; and

(b) There is a relationship of consanguinity within the fourth degree between the minister and a member of each couple whose marriage he is to solemnize.] The authorization [shall] *must* be in writing and [shall limit the number of marriages to be performed, but] need not be filed with any other public officer. *A separate authorization is required for each marriage performed. Such a minister may perform not more than five marriages in this state in any calendar year.*".

Amend sec. 2, page 2, by deleting line 41 and inserting:

"*3. In any calendar year, a justice of the peace may perform not more than 20 marriage ceremonies in commis-*".

Amend sec. 2, page 2, by deleting line 44 and inserting:

"*4. In any calendar year, a municipal judge may perform not more than 20 marriage ceremonies in this state if he*".

Amend the title of the bill, by deleting the first and second lines, and inserting:

"An Act relating to marriage; expanding the circumstances under which a licensed or ordained minister whose congregation is in another state may be authorized to perform a limited number of marriages in this state; authorizing under certain circumstances a municipal judge to perform a limited number of marriages in this state and a justice of the peace to perform a limited number of marriages in a".

Amend the summary of the bill to read as follows:

"Summary—Broadens provisions for authorizing performance of marriages. (BDR 11-573)".

Assemblyman Sader moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 361.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 393.

The following Senate amendment was read:

Amendment No. 691.

Amend section 1, page 1, by deleting line 13 and inserting: "*proceedings and agree to be sentenced in this state in his absence. The defendant's waiver is valid only if it is:*

(1) Made knowingly, intelligently and voluntarily after consulting with an attorney licensed to practice in this state;

(2) Signed and dated by the defendant and notarized by a notary public or judicial officer; and

(3) Signed and dated by his attorney after it has been signed by the defendant and notarized.".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 393.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 465.

The following Senate amendment was read:

Amendment No. 548.

Amend sec. 3, page 2, by deleting lines 15 through 34 and inserting:

"179.225 1. If the punishment of the crime is the confinement of the criminal in prison, the expenses must be paid from money appropriated to the [governor] *office of the attorney general* for that purpose, upon approval by the state board of examiners. After the appropriation is exhausted the expenses must be paid from the reserve for statutory contingency account upon approval by the state board of examiners. In all other cases they must be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses are:

(a) If the prisoner is returned to this state from another state, the fees paid to the officers of the state on whose governor the requisition is made; or

(b) If the prisoner is returned to this state from a foreign country or jurisdiction, the fees paid to the officers and agents of this state or the United States,

and the necessary traveling expenses and subsistence allowances in the amounts authorized by NRS 281.160 incurred in returning the prisoner.

2. [The state board of examiners shall adopt regulations prescribing the procedure for the payment of those expenses.] *If a person is returned to this state pursuant to this chapter or chapter 178 of NRS and is convicted of, or pleads guilty or no contest to the criminal charge for which he was returned or a lesser criminal charge, the court shall conduct an investigation of the financial status of the person to determine his ability to make restitution. In conducting the investigation, the court shall determine if the person is able to pay any existing obligations for:*

(a) Child support;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62.223, 176.059 and 176.062.

3. If the court determines that the person is financially able to pay the obligations described in subsection 2, it shall, in addition to any other

sentence it may impose, order the person to make restitution for the expenses incurred by the attorney general or other governmental entity in returning him to this state. The court shall not order the person to make restitution if payment of restitution will prevent him from paying any existing obligations described in subsection 2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of the completion of his sentence.".

Amend the title of the bill, second line, after "proceedings;" by inserting: "authorizing the attorney general to adopt regulations relating to the payment of the expenses of extradition;".

Amend the summary of the bill, first line, by deleting "extradition." and inserting: "extradition under certain circumstances.".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 465.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 576.

The following Senate amendment was read:

Amendment No. 836.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 90.650 is hereby amended to read as follows:

90.650 1. A person who willfully violates a provision of this chapter, except NRS 90.600, or who violates NRS 90.600 knowing the statement made to be false or misleading in any material respect, or who willfully violates a regulation adopted pursuant to this chapter, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than [$10,000,] *$20,000,* or by both fine and imprisonment, for each violation.

2. A person who willfully violates an order denying, suspending or revoking the effectiveness of registration or an order to cease and desist issued by the administrator under this chapter is guilty of a misdemeanor.

3. A person convicted of violating a regulation or order under this chapter may be fined, but [may] *must* not be imprisoned, if the person proves lack of knowledge of the regulation or order.

4. Nothing in this chapter limits the power of the state to punish a person for conduct which constitutes a crime under other law.".

Amend section 1, page 1, lines 6 and 7, by deleting "[$20,000] *$10,000*" and inserting "$20,000".

Amend the title of the bill to read as follows:

"An Act relating to penalties; revising the penalties for violations of certain statutes governing securities and commodities; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises penalties for violations of certain statutes governing securities and commodities. (BDR 7-1673)".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 576.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 379.

The following Senate amendment was read:

Amendment No. 901.

Amend sec. 3, page 2, line 37, by deleting: "July 1, 1994." and inserting: "January 1, 1995.".

Assemblyman Chowning moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 379.

Assemblyman Spitler moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:50 p.m.

ASSEMBLY IN SESSION

At 12:59 p.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblyman Chowning.

Motion carried.

The following Senate amendment was read:

Amendment No. 973.

Amend section 1, page 1, line 6, by deleting "*3 and 4,*" and inserting: "*3, 4 and 5*".

Amend section 1, page 2, between lines 14 and 15, by inserting:

"*4. The prohibition set forth in paragraph (b) of subsection 2 does not apply to a motor vehicle with a model year of 1993 or older, if transparent material was placed, installed, affixed or applied upon the windshield or any side or rear window of the motor vehicle before the effective date of this act.*".

Amend section 1, page 2, line 15, by deleting "*4.*" and inserting "*5.*".

Amend section 1, page 2, line 22, by deleting "*5.*" and inserting "*6.*".

Amend section 1, page 2, line 24, by deleting "*6.*" and inserting "*7.*".

Amend sec. 3, page 2, by deleting: "January 1, 1995." and inserting: "July 1, 1993.".

Assemblyman Chowning moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 379.

Remarks by Assemblyman Chowning.

Motion carried.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Resolution No. 11—Providing for the appointment of an additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Lois A. Lahair is elected as an additional attaché of the Assembly for the 67th session of the Legislature of the State of Nevada.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

Assemblyman Ernaut moved that Assembly Bill No. 295 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Ernaut.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 776—An Act relating to governmental finances; abolishing the department of insurance's regulatory account; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 153.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 772.

Amend section 1, page 1, by deleting lines 5 and 6 and inserting: "*persons to provide related information and forms, shall coordinate their collection of information and forms so that each enterprise is required to furnish information in as few*".

Amend section 1, page 1, line 12, by deleting "*May*" and inserting "*October*".

Amend section 1, page 1, line 15, after the period by inserting: "*The secretary of state, a representative of the Nevada Association of Counties and a representative of the Nevada League of Cities must be invited to attend the meeting.*".

Amend section 1, page 2, by deleting lines 1 through 3 and inserting: "*officer of the local government, and the person so invited shall attend. The director of the department of data processing shall assist in effecting the consolidation of the information and the creation of the forms.*

3. The persons so assembled shall design and modify, as appropriate, the necessary joint forms for use".

Amend section 1, page 2, line 5, by deleting "*shall*" and inserting "*must*".

Amend the bill as a whole by adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. Notwithstanding the provisions of section 1 of this act:

1. On or before September 15, 1993, the executive director of the department of taxation shall form the committee of persons who will initially carry out the requirements of section 1 of this act. On or before October 15, 1993, he shall form such subcommittees of the participants as are necessary to:

(a) List and report the various taxes, fees and related forms which businesses are required to submit to state and local governments. For each such listed entry, the report must identify the respective statutory authority for the requirement and the related reporting periods.

(b) Identify all overlapping or duplicate forms by which information related to the collection of taxes and fees is currently required to be reported.

(c) Identify any required auditing of the information.

(d) Create sample forms for consideration by the full committee which consolidate the manner in which information related to the collection of taxes and fees is reported.

(e) Develop, to the extent possible, a list of the taxes and fees required of businesses by the Federal Government.

2. On or before April 1, 1994, the subcommittees shall report their respective findings to the full committee. From that information, the committee shall develop an initial application form to be used on and after July 1, 1994, by the department of taxation, the employment security department, the state industrial insurance system, the state department of conservation and natural resources and any other state agency which requires a business to register with or otherwise identify itself to the agency. The form or any modification thereof may be adopted for similar use by local governmental entities.

3. The committee shall develop an interagency and intergovernmental procedure for the distribution and use of the consolidated application form and the information contained therein.

4. On or before September 1, 1994, the committee shall:

(a) Identify specific forms and other reports of information related to the collection of taxes and fees which are required of businesses by specific state agencies to facilitate the receipt of information after the initial application form is submitted.

(b) Develop forms for the consolidated reporting of such information. The forms must be prepared and ready for use on October 1, 1994.

(c) Identify any statutory or regulatory changes necessary to allow better consolidation in reporting and auditing.

(d) Develop a simplified document which contains information summarizing all taxes and fees related to doing business in this state and includes the addresses and telephone numbers of pertinent state and local governmental agencies.

5. On or before March 31, 1994, and quarterly thereafter through December 31, 1994, the executive director of the department of taxation shall submit to the director of the legislative counsel bureau for transmittal to the legislative commission a quarterly report of the committee's progress and compliance with the requirements of this act. The executive director shall, not later than February 15, 1995, submit a final report on the committee's work to the director of the legislative counsel bureau for transmittal to the standing committees on government affairs of the 68th session of the Nevada Legislature. The final report must contain a report of the information compiled pursuant to subsections 1 and 4.

Sec. 3. This act becomes effective on July 1, 1993.".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 614.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 620.

Amend section 1, page 1, line 2, by deleting the bracket.

Amend section 1, page 1, line 3, by deleting "pool,]" and inserting: "pool [,] *at an establishment which holds a nonrestricted license in conjunction with both gaming devices and gambling games,*".

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Section 5 of chapter 485, Statutes of Nevada 1991, at page 1405, is hereby amended to read as follows:

Sec. 5. [Section 3 of this act]

1. NRS 463.1605 does not apply to:

[1.] *(a)* Any application for a nonrestricted license filed with the state gaming control board before July 1, 1992; or

[2.] *(b)* Any establishment that holds or held a nonrestricted license issued before July 1, 1992, unless the establishment ceases gaming operations for more than 2 years after July 1, 1992.

2. NRS 463.1605 does not prohibit:

(a) The operation of a race book or sports pool at an establishment that was issued a license for such an operation before July 1, 1992, unless the establishment ceases its operation of the race book or sports pool for a period of more than 2 years.

(b) The movement of a race book or sports pool operation that was issued a license before July 1, 1992, to any location within the same county if the operation is otherwise permitted at the new location.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 643.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1014.

Amend section 1, page 1, by deleting lines 9 and 10 and inserting:

"2. On or before October 1, 1993, and quarterly thereafter, the superintendent of public instruction shall submit reports on the progress of the pilot programs to the state board of education and to the director of the legislative counsel bureau for transmittal to the members of the legislative commission.

3. As used in this section, "apprentice" has the meaning ascribed to it in subsection 2 of NRS 610.010.

4. A student who is working as an intern pursuant to this section is not an "employee" for the purposes of chapter 608 of NRS.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 667.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 731.

Amend sec. 3, page 2, line 5, by deleting "*against*" and inserting "*with*".

Amend sec. 3, page 2, by deleting lines 11 through 13 and inserting:

"2. *The department shall evaluate each claim filed pursuant to subsection 1 and determine the amount due, if any. If the amount due is $500 or less, the department, within the limits of legislative appropriations, shall approve the claim for payment and submit it to be paid as other claims against the state are paid. The department shall submit all claims in which the amount due exceeds $500, with any recommendations it deems appropriate, to the state board of examiners. The state board of examiners, in acting upon the claim, shall consider any recommendations of the department.*".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. This act becomes effective on July 1, 1993.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 686.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 812.

Amend section 1, page 1, by deleting lines 3 through 5 and inserting:

"*1. If a lifeguard is on duty at a facility or other property owned or operated by the State of Nevada or a political subdivision thereof where recreational swimming is available in a natural or artificial body of water, the lifeguard must have satisfactorily completed an advanced lifesaving course offered by the Red Cross or an equivalent course. A current certificate indicating that the lifeguard has satisfactorily*".

Amend section 1, page 1, by deleting line 9 and inserting: "2. *The employer of such a lifeguard*".

Amend the title of the bill, first line, by deleting "bathing or".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 689.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 871.

Amend sec. 2, page 1, by deleting lines 3 through 7 and inserting:

"Sec. 2. *Before the court may order the commitment of a child to the custody of the division of child and family services of the department of human resources pursuant to section 4 of this act, the court shall:*

1. Notify the division of child and family services at least 3 working days before the court holds a hearing to consider such a commitment; and

2. At the request of the division of child and family services, provide the division with not more than 10 working days within which to".

Amend sec. 3, pages 1 and 2, by deleting lines 23 and 24 on page 1 and line 1 on page 2, and inserting:

"*(a) Less than 12 years of age must not be committed to or otherwise placed in the Nevada youth training center or the Caliente youth center.*

(b) Not adjudicated to be delinquent must not be committed to or otherwise placed in the Nevada youth training".

Amend sec. 4, page 2, line 4, by deleting "*older is*" and inserting "*older is:*".

Amend sec. 4, page 2, by deleting line 5 and inserting:

"*(a) Delinquent;*

(b) In need of placement in a correctional or institutional facility; and

(c) In need of residential psychiatric services or other residential services for his mental health, if the child is 12 years of age or older,

the court may, in addition to the options set forth in subsection 1 of NRS 62.211, commit the child".

Amend sec. 5, page 2, line 25, by deleting "*62.170,*" and inserting: "*62.170 and section 3 of this act,*".

Amend sec. 5, page 2, by deleting lines 30 through 32 and inserting: "*institution or agency, inside or outside of the state, authorized to care for children.*".

Amend sec. 5, page 2, by deleting line 41 and inserting: "*(a) May, except as otherwise provided in section 3 of this act*".

Amend sec. 5, page 2, line 44, after "*and*" by inserting: "*obtain the approval of*".

Amend sec. 7, page 4, line 9, by deleting: "*sections 3 and 4*" and inserting "*section 3*".

Amend sec. 7, page 4, by deleting line 19 and inserting: "(b) Commit the child to the custody [or to the guardianship] of a public or".

Amend sec. 7, page 5, by deleting lines 17 and 18 and inserting: "in addition to the options set forth in subsection 1 [:] *of this section and section 4 of this act:*

(a) Commit".

Amend sec. 9, page 6, line 26, by deleting "*notice;*" and inserting: "*notice, unless such a notice is waived by the administrator;*".

Amend sec. 10, page 6, by deleting lines 44 and 45 and inserting: "children are committed pursuant to [the provisions of] NRS 210.580 [.] *or placed pursuant to section 5 of this act.*".

Amend sec. 11, page 7, by deleting line 11 and inserting:

"210.180 1. A court may commit to the school , *and the administrator may place in the school,* any person between the".

Amend sec. 11, page 7, line 12, by deleting the closed bracket.

Amend sec. 11, page 7, line 17, by deleting "[(a)] *1.*" and inserting "(a)".

Amend sec. 11, page 7, line 19, by deleting "[(b)] *2.*" and inserting "(b)".

Amend sec. 11, page 7, line 21, by deleting "[(c)] *3.*" and inserting "(c)".

Amend sec. 11, page 7, line 23, by deleting the open bracket.

Amend sec. 11, page 7, line 26, by deleting "superintendent," and inserting "[superintendent,] *administrator,*".

Amend sec. 11, page 7, line 38, by deleting the closed bracket.

Amend sec. 12, page 7, by deleting lines 40 and 41 and inserting:

"210.187 [1.] If any person committed to *or otherwise placed in* the school appears, either at the time of his commitment *or other placement* or after becoming an".

Amend sec. 12, pages 7 and 8, by deleting lines 45 and 46 on page 7 and lines 1 through 4 on page 8, and inserting: "superintendent may [return such person] *report that fact to the administrator, who shall recommend a suitable alternative* to the committing court.

[2. The return of any person to the committing court does not relieve the school of any of its duties or responsibilities under the original commitment,".

Amend sec. 12, page 8, line 6, by inserting a closed bracket after "court.".

Amend sec. 13, page 8, line 8, by deleting "[committed to]" and inserting: "committed to *or otherwise*".

Amend sec. 13, page 8, by deleting lines 15 and 16 and inserting: "ting court for [discharge from the school and] commitment in accordance with law to the custody of the".

Amend sec. 14, page 8, by deleting line 33 and inserting:

"210.580 1. A court may commit to the school , *and the administrator may place in the school,* any female person".

Amend sec. 14, page 8, line 34, by deleting the closed bracket.

Amend sec. 14, page 8, line 39, by deleting "[(a)] *1.*" and inserting "(a)".

Amend sec. 14, page 8, line 41, by deleting "[(b)] *2.*" and inserting "(b)".

Amend sec. 14, page 8, line 43, by deleting "[(c)] *3.*" and inserting "(c)".

Amend sec. 14, page 8, line 45, by deleting the open bracket.

Amend sec. 14, page 9, line 4, by deleting "superintendent," and inserting "[superintendent,] *administrator,*".

Amend sec. 14, page 9, line 16, by deleting the closed bracket.

Amend sec. 15, page 9, by deleting lines 18 and 19 and inserting:

"210.620 [1.] If any person committed to *or otherwise placed in* the school appears, either at the time of her commitment *or other placement* or after becoming an".

Amend sec. 15, page 9, by deleting lines 23 through 28 and inserting: "superintendent may [return such person] *report that fact to the administrator, who shall recommend a suitable alternative* to the committing court.

[2. The return of any person to the committing court does not relieve the school of any of its duties or responsibilities under the original commitment,".

Amend sec. 15, page 9, line 30, by inserting a closed bracket after "court.".

Amend sec. 16, page 9, line 32, by deleting "[committed to]" and inserting: "committed to *or otherwise*".

Amend sec. 16, page 9, by deleting lines 39 and 40 and inserting: "ting court for [discharge from the school and] commitment in accordance with law to the custody of the".

Amend sec. 17, page 10, by deleting lines 33 through 35 and inserting: "the center, the chief shall report that fact to the [court and] *administrator of the division of child and family services, who shall* recommend a suitable alternative [.] *to the court.*".

Amend the bill as a whole by deleting sec. 19 and the leadlines of repealed sections and inserting new sections designated sections 19 through 21, and the text of repealed sections, following sec. 18, to read as follows:

"Sec. 19. NRS 210.183 and 210.600 are hereby repealed.

Sec. 20. 1. The division of child and family services of the department of human resources shall:

(a) With the assistance of juvenile and family court judges, chief juvenile probation officers and agencies of local government involved in juvenile justice; and

(b) In accordance with the recommendations of the National Council on Crime and Delinquency, as set forth in its report dated August 31, 1992, and entitled "A Juvenile Corrections Needs Assessment for the State of Nevada,"

develop a plan for the establishment and implementation of a uniform system for the reporting, collection and maintenance of information regarding juvenile justice in this state.

2. The plan must include:

(a) The recommendation of a standard format for the reporting of information.

(b) The recommendation of standard categories for the reporting of information, including standard classifications for juvenile offenses and for the disposition of juvenile cases.

(c) The recommendation of specific information to be reported, including information regarding:

(1) The identity of each child referred to the system of juvenile justice as a suspected delinquent or child in need of supervision;

(2) The charges for which each child is referred;

(3) The dates of any detention of a child;

(4) The nature of the disposition of each referral of a child;

(5) The dates any petitions are filed regarding a child, and the charges set forth in those petitions; and

(6) The dates and contents of any judicial decrees entered in juvenile proceedings,

and any other desirable information.

(d) A recommendation for the establishment of central responsibility for the collection, analysis, maintenance and retrieval of information.

(e) A recommendation for the format and contents of records regarding each child adjudicated to be delinquent and committed to or otherwise placed in the custody of the division of child and family services.

(f) An estimate of the costs necessary for the establishment and implementation of the system.

3. The division of child and family services shall:

(a) During October 1993, and February 1994, provide to the interim finance committee reports regarding its progress in developing the plan.

(b) During July 1994, submit to the interim finance committee a copy of its tentative final plan.

(c) No later than the last day of January 1995, submit to the director of the legislative counsel bureau, for distribution to the legislature, a copy of its final plan, which includes any modifications to its tentative final plan resulting from the development of the executive budget.

Sec. 21. 1. This section and section 20 of this act become effective upon passage and approval.

2. Sections 1 to 19, inclusive, of this act, become effective on October 1, 1993.

TEXT OF REPEALED SECTIONS

210.183 Conditions for commitment of ward of juvenile court. No ward of the juvenile court may be committed to the school unless such court is satisfied that the mental and physical condition and qualifications of the ward are such as to render it probable that such ward will be benefited by the reformatory educational discipline or other treatment provided by the school.

210.600 Conditions for commitment of ward of juvenile court. No ward of the juvenile court may be committed to the school unless such court is satisfied that the mental and physical condition and qualifications of the ward are such as to render it probable that such ward will be benefited by the reformatory educational discipline or other treatment provided by the school.".

Amend the title of the bill, second line, after "supervision;" by inserting: "requiring the preparation of a plan for the establishment and implementation of a uniform system for the reporting, collection and maintenance of information regarding juvenile justice in this state;".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 742.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 870.

Amend section 1, page 2, by deleting lines 4 through 9 and inserting:

"2. *If the services of more than one reporter are required by the court in a criminal proceeding, each reporter is entitled to receive the fee set forth in paragraph (a) of subsection 1. Each reporter in a criminal proceeding is entitled to receive an additional fee equal to one-half of the fee to which he is entitled pursuant to paragraph (b) of subsection 1 for transcribing a proceeding of which the transcripts are ordered by the court to be delivered on or before the start of the next day the court is scheduled to conduct business.*".

Amend section 1, page 2, lines 12 and 13, by deleting "*additional fee*" and inserting "*fees*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 84.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 982.

Amend section 1, page 1, by deleting lines 1 through 20 and inserting:

"Section 1. (Deleted by amendment.)".

Amend sec. 2, pages 1 and 2, by deleting lines 22 through 24 on page 1 and lines 1 through 16 on page 2 and inserting:

"387.310 1. Except as otherwise provided by the board of trustees, the clerk of the board shall draw all orders for the payment of money belonging to the school district.

2. The orders must be listed on cumulative voucher sheets and a copy presented to each of the members of the board of trustees present at a meeting and mailed to any absent member. When the orders have been approved by a majority of the board of trustees, and the cumulative voucher sheets have been signed by the president and the clerk of the board of trustees, or by a majority of the members of the board of trustees, the orders are valid vouchers in the hands of the county auditor for him to issue warrants on the county treasurer to be paid out of money belonging to the school district.

3. No order in favor of the board of trustees or any member thereof, except for salaries as authorized by NRS 386.320, authorized travel expenses and subsistence of trustees or for services of any trustee as clerk of the board, may be drawn.

4. No order for salary for any teacher may be drawn unless the teacher is included in the directory of teachers supplied to the clerk of the board of trustees pursuant to the provisions of NRS 391.045.".

Amend sec. 3, page 2, line 26, after "effective" by inserting: "at 12:01 a.m.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 92.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 622.

Amend section 1, page 1, by deleting line 2 and inserting: "502.145 1. An owner , *lessee or manager* of".

Amend section 1, page 1, line 16, by deleting "*or controlled*" and inserting: ", *leased or managed*".

Amend section 1, page 1, by deleting line 22 and inserting: "*(a) May be used by the owner, lessee or manager of the*".

Amend section 1, page 2, line 8, by deleting: "*or other person*" and inserting: ", *lessee or manager*".

Amend section 1, page 2, lines 44 and 45, by deleting: "of *or other person who controls*" and inserting: ", *lessee or manager* of".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 623.

Amend section 1, page 2, by deleting lines 3 and 4 and inserting: "*(b) Must be used on the private land controlled by him; and*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache, Gibbons, Carpenter, Ernaut and Anderson.

Assemblyman Anderson moved that Senate Bill No. 92 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion lost.

Remarks by Assemblymen Smith, Anderson, Sader and Carpenter.

Amendment lost.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 192.

Bill read second time and ordered to third reading.

Senate Bill No. 230.

Bill read second time and ordered to third reading.

Senate Bill No. 243.

Bill read second time and ordered to third reading.

Senate Bill No. 294.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 515.

Amend sec. 3, page 1, line 9, after "*from a*" by inserting "*nonindigent*".

Amend sec. 3, page 1, line 12, by deleting "*detention,*" and inserting: "*detention if time served during the pretrial detention is credited by the court against any sentence imposed,*".

Amend sec. 6, page 2, by deleting lines 24 and 25 and inserting:

"Sec. 6. *1. At any time after the conviction of a prisoner, the sheriff of the county, or the*".

Amend sec. 6, page 2, by deleting lines 31 through 41.

Amend sec. 6, page 2, line 42, by deleting "*3.*" and inserting "*2.*".

Amend sec. 7, page 3, by deleting lines 22 through 25.

Amend sec. 7, page 3, line 26, by deleting "*5.*" and inserting "*4.*".

Amend sec. 7, page 3, line 29, by deleting "*6.*" and inserting "*5.*".

Amend sec. 7, page 3, between lines 35 and 36, by inserting:

"*6. The payment, pursuant to a judicial order, of existing obligations for:*

(a) Child support or alimony;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62.223, 176.059 and 176.062,

has priority over the payment of a judgment entered pursuant to this section.".

Amend sec. 8, page 3, line 42, by deleting "*subsection 1*" and inserting: "*section 4 of this act*".

Amend sec. 10, page 4, line 7, after "*city.*" by inserting: "*If:*

1. In accordance with a contractual agreement, the county or city was paid by another governmental entity for expenses related to maintaining and supporting a prisoner; and

2. The prisoner reimburses the county or city for those expenses pursuant to sections 2 to 12, inclusive, of this act,

the county or city shall reimburse the governmental entity for its payment to the extent of the amount received from the prisoner.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblymen Sader and Carpenter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 218.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1009.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 391.095 is hereby amended to read as follows:

391.095 *1.* A school district may enter into an agreement with a branch of the University and Community College System of Nevada *or an accredited postsecondary educational institution which provides a program for the education of teachers and is licensed by the commission on postsecondary education,* for the assignment of [its] students for training purposes as student teachers, counselors or trainees in a library, or for experience in a teaching laboratory. Students so assigned within the school district for training purposes may, under the direction and supervision of a licensed teacher, instruct and supervise pupils in the school, on the school grounds or on authorized field trips. The students so assigned are employees of the school district for purposes of NRS 41.038 and 41.039, while performing such authorized duties, whether or not the duties are performed entirely in the presence of the licensed teacher.

2. As used in this section:

(a) "Accredited" has the meaning ascribed to it in NRS 394.006.

(b) "Postsecondary educational institutional" has the meaning ascribed to it in NRS 394.099.

Sec. 2. A school district shall not enter into an agreement pursuant to NRS 391.095, as amended by this act, with any institution other than the University and Community College System of Nevada that continues beyond June 30, 1997.

Sec. 3. This act becomes effective at 12:01 a.m. on July 1, 1993, and expires by limitation on June 30, 1997.".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Transportation:

Assembly Joint Resolution No. 40—Urging Congress to allow states to set speed limits for motor vehicles.

Assemblyman Spitler moved that the resolution be referred to the Committee on Transportation.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 394.

Bill read third time.

Remarks by Assemblymen Price and Freeman.

Roll call on Assembly Bill No. 394:

YEAS—40.

NAYS—Collins, Petrak—2.

Assembly Bill No. 394 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 22, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 86, 265, 447, 467, 471, 507, 526, 527.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 86.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 265.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 447.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 467.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 471.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 507.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 526.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 527.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 113, 116, 168, 301, 406, 407, 408, 459, 503, 530, 553, 634, 655; Assembly Joint Resolutions Nos. 26, 35, 36; Assembly Concurrent Resolution No. 77; Senate Bills Nos. 118, 167, 212, 231, 389, 390, 408; Senate Joint Resolution No. 23.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Master Brandon Alger.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Edward May and Ms. Mildred Anderson.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, June 23, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 1:43 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED FIFTY-SEVENTH DAY

CARSON CITY (Wednesday), June 23, 1993

Assembly called to order at 11:14 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

From Mr. Anderson's booming "present", and Mr. Haller's much missed "here", to Mr. Bache's wise cracking "still here" and Mrs. Kenney's anticipating "here," we are all here to finish the job You and the voters called us to do. We are an interesting cross-section of our state, and we are here. Father, all is vain if You are not here with us, too. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 707; Senate Bill No. 256, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 758, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 647, 726, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 153, 463, 614, 643, 667, 686, 689, 742; Senate Bills Nos. 84, 92, 218, 294 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 22, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 538.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 385, 422.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 238.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Coffin, O'Donnell and Rawson as a first Committee on Conference concerning Senate Concurrent Resolution No. 17.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that Senate Bill No. 61 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Carpenter.

Motion carried.

By Assemblymen Marvel, Dini, Humke, Gregory, Heller, Porter, Arberry, Sader, Ernaut, Myrna Williams, Toomin, Scherer, Gibbons, Augustine, Tiffany, Hettrick, Schneider, Bonaventura, Petrak, Neighbors, de Braga, Perkins, Carpenter, Collins, Wendell Williams, Smith, Chowning, Segerblom, McGaughey, Giunchigliani, Bache, Freeman, Spitler, Kenny, Evans, Anderson, Regan, Price, Bennett, Garner, Lambert and Haller:

Assembly Concurrent Resolution No. 80—Memorializing the late Assemblyman Bob L. Kerns.

WHEREAS, The members of the Nevada Legislature note with profound sorrow the passing of their colleague, Bob L. Kerns, on October 15, 1991; and

WHEREAS, The untimely death of Bob Kerns will be felt by all those persons who knew him, either through his work or his numerous interests and activities; and

WHEREAS, Bob Kerns was born in Wray, Colorado, on December 8, 1930, graduated from high school in Boise, Idaho, and was a Reno resident for the past 38 years; and

WHEREAS, After serving in the United States Marine Corps from 1951 to 1954, including 2 years as a tank commander in Korea, Bob joined the Reno Fire Department in 1955 where he was promoted to the rank of Battalion Chief, retiring in 1982 after 27 years of service; and

WHEREAS, In 1982, Bob Kerns was elected Assemblyman from Washoe County and he served the State of Nevada in this capacity for the next 9 years; and

WHEREAS, Bob Kerns served as Assistant Majority Floor Leader of the Assembly in 1985, was a member of the Interim Finance Committee, served as Vice Chairman of the Legislative Commission and was a representative of the Nevada Legislature at the National Conference of State Legislatures; and

WHEREAS, During his years with the Legislature, Bob Kerns supported legislation to enhance public safety, especially in the areas of fire protection and asbestos removal; and

WHEREAS, An avid hunter and fisherman, Bob Kerns supported legislation which promoted better wildlife management within Nevada; and

WHEREAS, Bob's interest in wildlife was expressed artistically in later life when he became quite creative and skillful carving ducks and other birds out of wood; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature extend their heartfelt condolences to the family of Bob Kerns; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Bob's son, Tom Kerns, his daughter, Nancy Cummins, and his loving wife, Ruth.

Assemblyman Marvel moved the adoption of the resolution.

Remarks by Assemblymen Marvel, Myrna Williams, Humke, Evans, Gibbons, Porter, Heller, Price, Carpenter, Petrak, Ernaut, Lambert, Garner, Gregory and Mr. Speaker.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I think this body was shocked by the very untimely demise of our former colleague, Bob Kerns. Even though he had elected not to return, I think we all thought that we would work with him this session. I think, as the resolution states, he was probably the epitome of public service, having served in the military, having served as a fireman and certainly a very dedicated legislator. Bob will certainly be missed. Tom, Nancy and to your mom, Ruth, we do express and extend our heartfelt sympathies to all of you.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I rise in support of this resolution. Bob Kerns was a very special friend. Even though we sat on different sides of the aisle, when we were together, we were a tornado. I truly, truly miss him. In Clark County, the children will always be able to thank Bob Kerns for the work he did for the special children's clinic.

The last time I saw Bob Kerns was in Portland, Maine at a NCSL meeting. While walking through one of the little shops, we found a great hat. It was a duck hat. We bought it for Bob. He wore it all through dinner that night. He was a man with great humor, great passion, great love and integrity. We dearly miss him. I hope Ruth and the children understand how much we miss him. Thank you.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise in support of Assembly Concurrent Resolution No. 80. When you start the same year, you have kindred feelings for the people that you serve with. Bob was the last one that I started with in this house. As the Minority Leader said, even though Bob had decided that he was not going to return, it does not make it any easier because his death was so shocking to everyone.

You could not ignore that Bob Kerns was a presence. Whether those things went to the core of his being or the fact that he was a marine first, last, and always, or the fact that he was a firefighter. He was a pretty good lobbyist before he served here. He was an excellent assemblyman. You cannot ignore those things. Whether you were on the same side or on the opposite side of him, you always had the ultimate respect for him. I miss him deeply and send my regards to the children and to his lovely wife, Ruth. Thank you.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Concurrent Resolution No. 80. Having had the privilege of serving with Bob on a number of committees over the years, my fondest memory, however, was in the 1989 session when Bob, I believe it was his only session served on the Ways and Means Committee. He could not wait to get off.

He wanted on, but he could not wait to get off. The chairman at that time was Marvin Sedway. Both of these gentlemen were men of strong opinions. I think that is fair to say. They often had very lively exchanges.

Two years ago, we did reapportionment. Bob was designated hitter for the loyal opposition. Every time we came out with a new plan or a new version of the reapportionment plan, it was a race to see just what Bob would have to say. We were always trying to read his mind, "Okay, now, what is Kerns going to say? Why does he hate this one, too?" Bob announced that that was going to be his final session, he was going to be retiring. He did not give up. He did not just sit in this room or in this building and coast. He took his job and his work very seriously and always gave it his best measure.

In the resolution, Bob's duck carvings were mentioned. For those of you who have not seen his work, they are works of art. They are not just doodlings. Bob was very, very talented. I will miss him. Best wishes to the Kerns family.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker, for the opportunity to rise and add my support to this resolution. Bob Kerns was a man I respected, admired and loved for his wit, wisdom, kindness and help. Regardless of the issue, Bob Kerns always took you aside, gave you his side of the story, and let you know his decision on it. He was always, if not invariably, kind and correct in the way he approached issues.

Bob Kerns was responsible for encouraging a great number of people in this community to be interested in politics, and to that end, my tenure here can either be, depending upon your view, blamed on him or thanked, because it was Bob Kerns who encouraged me to run for the Assembly. I certainly would like to have an opportunity today to tell him thank you for what he has done and what he has meant to all of us. He always took the best interests in Nevada and representing the best interests of his constituency, as well as all Nevadans. He always felt that life was something you gave your all to. No matter what he was doing, whether it was being a firefighter or a legislator, Bob felt very compelled and compassionate in the way he approached things in life. He certainly will be missed among all of us who were his friends and I am sure his family as well.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Concurrent Resolution No. 80. I have been wondering when this resolution was going to come around. I am glad to see that it is finally here.

Mr. Speaker, it is almost two years ago to the day that Bob sat where my distinguished colleague from District No. 12 now sits and announced his retirement. At that time, we took a moment to thank Bob for all the time that he devoted to us and all the memories that he had given us. We gave him a standing ovation at that time. I say that because Bob was the kind of man who was one of the few fortunate ones who left this house under his own terms and conditions. He left when he wanted to leave.

To give you some idea of what kind of man Bob was, for those of you who did not know him, Bob lost his first election by one vote. Instead of crying about it and saying foul, he did not even file an election contest. In this day and age, that is an amazing fact. He lost by one vote. He congratulated his opponent, waited until the next year and ran. On the second election, Bob won overwhelmingly. He liked to attribute that to the fact that he quietly said okay, I lost in good faith and he let it go. That was the kind of man Bob Kerns was. It is unusual in this day and time, Mr. Speaker, to have a man who touched so many lives. You heard the comments earlier.

Two years ago, I publicly thanked Bob Kerns for being my mentor, and he was. He taught me all the procedural aspects of this job. He informed me about what was going on and we developed quite a friendship over the years, as we sat together for four years. I miss him. I was as shocked as anyone else at his untimely death, and it really was untimely, as Bob looked forward to spending his retirement years with his family. It is unfortunate that he did not get the opportunity to do so. I miss him very much. I wish the family much success. Thank you.

ASSEMBLYMAN HELLER:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Concurrent Resolution

No. 80. I had a tremendous amount of respect for the gentleman we, as freshmen last session, called the bulldog. He never minced words. You always knew where he stood.

I ran into the Kerns family about 16 years ago. We first met in 1977 when I was playing junior varsity basketball for Carson High School and their son, Tom, was playing junior varsity basketball for Reno High School. We played against each other for 16 years until this last basketball season. Finally, for the first time, we got to play on the same team together. I hope he enjoyed it as much as I did.

I do not think that I have to tell Tom or his family how wonderful his father was, but I am going to do it anyway. This gentleman was a role model. Bob was an inspiration and he was a gentleman. I have so much respect for someone who stood up for what he believed in. I believe these halls received a great loss with the passing of Bob. I, too, send my condolences to the family.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you to this honorable body, I rise in support of Assembly Concurrent Resolution No. 80. It is hard to believe that it has been a year-and-a-half since Bob left us. I, too, had the privilege of first meeting Bob when he was doing his duties as a lobbyist for the firefighters, however many years back that was. I regret that the new people among us did not have the opportunity to work with someone of such character. Bob was just a good person all around. A wonderful family, wonderful man, beautiful home, I might add. From time to time, he would invite us to his home in Reno. It was indeed a shock when Bob left us. I just want to add to the accolades that Bob was a fine Nevadan. He was an excellent legislator. He was a good father and a hard working person for his community.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Concurrent Resolution No. 80. I believe I became a true friend of Bob Kerns. He sat fairly close to me in this legislative body and he would always bring those ducks around. I became sort of a duck expert by his description of what this certain feather means, and what that means, and this color and that. I always enjoyed that. Bob had such a talent and was such a creator.

I remember when he would stand up and smile. You would know that Bob was going to give us the true word that day. Bob was a true friend and I thoroughly enjoyed him. He always loved, enjoyed and supported rural Nevada. I, too, want to extend my gratitude to Bob Kerns for his friendship and my condolences to his family.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. To my colleagues in the Assembly, Bob Kerns sat right down the road here about an arm's length away. He announced his retirement. He said, "I'm not going to run again." Those of you who were here last session, do you remember how he was crying? It was a sad day when he said that.

We were invited to his home in Reno. No one mentioned the fact that if you looked at some of his hobbies, he had about 30, 40 or 50 big albums of baseball cards. He was a fanatic on being a card collector. That really impressed me. You mentioned the ducks and, also, he did Canadian wild geese. Those were very attractive. My office was about two doors away from him. Every day of the world he would say, "Come on, I've got to show you something." He would show me one of his new accomplished jobs. His work was unbelievable.

Bob was truly a nice guy. He would say, "You know, I'm the killer of all legislation that comes in here." He would warn me all the time, "Anything you want killed, just tell me. I'll do what I can about it." We loved the guy as our fellow legislator. I do not care what side of the fence he was on, but we went out to his beautiful home that he actually built with his own hands in Reno. It is really a nice place, beautiful. Mrs. Kerns, we are sorry about all this, and your son who was there that day two years ago, we enjoyed meeting you and we are so sorry about this guy. We really loved him, he meant so much to us. We will miss him.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. I rise in support of Assembly Concurrent Resolution No. 80. I first met Bob when I came to work here in 1989. He and Lou Bergevin took me under their wing when I was the caucus director. It was kind of like getting your political baptism from General Patton and Dick Butkus all at the same time. I had a real short entry time into this. It was like getting thrown into a pool of lava, but Bob was always there. He would take time to take me aside and tell me when I was doing right, and when I was doing wrong.

I guess my only unfortunate remembrance was my last remembrance of Bob and that was on the Gardnerville golf course with he and Charlie Joerg and Jim Avance, because I remember them standing on the 18th green with their shirts off. That was a sight. That being said, I am really going to miss Bob. He was a great guy and a grandfather figure to me and a mentor of mine. We are really going to miss one of the true, last tough guys of this house. Thank you.

ASSEMBLYMAN LAMBERT:

Thank you, Mr. Speaker. One thing that there was no doubt about was that Bob loved Nevada. Bob loved his children, Nancy and Tom. I served on Government Affairs with him three of the four terms when we were both here. He could not wait to brag about Tom and Nancy, whenever he had the opportunity. Another thing with Bob, was that you always knew what Bob believed. There was never any doubt. He decided what was important, and what was not. He would stay fairly quiet when he thought something was not terribly important. When it was important, generally Bob got his way. I think we all admired him for that because somehow he did it by making all of us think that was the way it should be and there was no question. Even if you did not agree with him, he still respected you. I think that is something that is very special in this body. We still miss Bob.

ASSEMBLYMAN GARNER:

Thank you, Mr. Speaker. I rise in support of this resolution. I want to express to Bob's wife, Ruth, my appreciation for having had the opportunity of visiting in their home on a couple of occasions. I served with Bob on Government Affairs. He always kept me on track. He did not hesitate to tell me when he thought I was doing something wrong, which was often. I appreciated that.

I was privileged to take a horseback ride with him a couple of years ago into the high Sierras and that was enjoyable. I can tell this group and his family that I really enjoyed being around him, but the thing I am going to remember most is what he did to me during the initiation of E Clampus Vitus. When I see him again, I am going to remind him and tell him I am going to get even somewhere along the line. Thank you.

ASSEMBLYMAN GREGORY:

Thank you, Mr. Speaker. I rise in support of Assembly Concurrent Resolution No. 80. I only had the pleasure of serving one term with Mr. Kerns. I have to say a word that has been said by a couple of other colleagues and that is "mentor." Bob truly was a mentor to me along with Lou Bergevin and the Minority Leader. They really shaped what I would be as a legislator. I sat behind Bob on the floor and he gave me lots of advice. "Bulldog," has been said, and I will tell you the first thing I got to know Bob as was a bulldog. In caucuses, nobody voiced their opinion stronger, nobody fought for what they believed in stronger, nobody said it louder and nobody got closer to you when they said it.

What I really learned about Bob was that he was a kind, gentle man. I really admired him for the fact that he could fight for what he believed in. He never held a grudge and never tried to get back at anybody. When the yelling was over, it was forgotten. It was that kind, gentle side that was the real Bob Kerns. I think that Bob was one of those people that having known them that you, perhaps, lead a little better life yourself because of their example. Thank you.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

With permission of the house, I would just like to say a couple of words. I met Bob when he was lobbying for the firefighters. We became great friends in those days and it carried over here to the time that he served in the Assembly. He was a great contributor

with his knowledge, background and his principles. I think that we will never serve with any stronger person in this house who will have higher principles than Bob Kerns had. I would like to relay my condolences to the family.

Resolution adopted unanimously.

Assemblyman Porter moved that all rules be suspended and that Assembly Concurrent Resolution No. 80 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Marvel moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:43 a.m.

ASSEMBLY IN SESSION

At 11:49 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 290, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Tiffany, Gregory, Marvel, Smith, Lambert, Anderson and Bache:

Assembly Joint Resolution No. 41—Urging the President of the United States not to use the surplus in Social Security to reduce the national debt and limit the budget deficit.

Assemblyman Myrna Williams moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Assembly Resolution No. 10.

Assemblyman Garner moved the adoption of the resolution.

Remarks by Assemblyman Garner.

Resolution adopted.

Assemblyman Porter moved that Senate Bill No. 243 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Wendell Williams moved that Assembly Bill No. 643 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Wendell Williams.

Motion carried.

Assemblyman Wendell Williams moved that Senate Bill No. 218 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Wendell Williams.

Motion carried.

Assemblyman Toomin moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:53 a.m.

ASSEMBLY IN SESSION

At 11:54 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 702, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

GENERAL FILE AND THIRD READING

Senate Bill No. 192.

Bill read third time.

Remarks by Assemblyman Gregory.

Roll call on Senate Bill No. 192:

YEAS—42.

NAYS—None.

Senate Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 230.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Senate Bill No. 230:

YEAS—42.

NAYS—None.

Senate Bill No. 230 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 153.

Bill read third time.

Remarks by Assemblymen Segerblom and Giunchigliani.

Roll call on Assembly Bill No. 153:

YEAS—42.

NAYS—None.

Assembly Bill No. 153 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 463.

Bill read third time.

Remarks by Assemblymen Regan and Carpenter.

Roll call on Assembly Bill No. 463:

YEAS—42.

NAYS—None.

Assembly Bill No. 463 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 614.

Bill read third time.

Remarks by Assemblymen Schneider and Price.

Roll call on Assembly Bill No. 614:

YEAS—40.

NAYS—None.

Not voting—Scherer, Mr. Speaker—2.

Assembly Bill No. 614 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 667.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Assembly Bill No. 667:

YEAS—42.

NAYS—None.

Assembly Bill No. 667 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 686.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 686:

YEAS—42.

NAYS—None.

Assembly Bill No. 686 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 689.

Bill read third time.

Remarks by Assemblyman Regan.

Roll call on Assembly Bill No. 689:

YEAS—42.

NAYS—None.

Assembly Bill No. 689 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 742.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Assembly Bill No. 742:

YEAS—42.

NAYS—None.

Assembly Bill No. 742 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 153, 463, 614, 667, 686, 689, 742 be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 84.

Bill read third time.

Remarks by Assemblyman Chowning.

Roll call on Senate Bill No. 84:

YEAS—42.

NAYS—None.

Senate Bill No. 84 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 92.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Senate Bill No. 92:

YEAS—41.

NAYS—Bache.

Senate Bill No. 92 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 294.

Bill read third time.

Remarks by Assemblymen Anderson, Porter, Collins, Bonaventura, Carpenter, Evans, Sader, Neighbors, Price, Myrna Williams and Perkins.

Assemblyman Bennett requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. Senate Bill No. 294, in its second reprint, authorizes the board of county commissioners or the governing body of an incorporated city to seek reimbursement from a nonindigent prisoner for the expenses of supporting and maintaining the prisoner in a local detention facility. The amount must not exceed $30 per day or the actual cost, whichever is less. Reimbursement expense includes housing, food and medical cost. The county or city is required to investigate the financial status of a prisoner before demanding payment. The bill requires a form to be used in the investigation. Refusal to complete a form prohibits a prisoner from receiving certain reductions or credits on his term of imprisonment. After conviction of the prisoner, the local government may issue a written demand for payment of expense. If a prisoner fails to make a payment within ten days of its due date, the county or city may file a civil action seeking recovery. Payment of child support, alimony, restitution and administrative assessments have priority over any judgment entered by a court in favor of the county or city bringing action. Senate Bill No. 294 was requested by the Las Vegas Metropolitan Police Department. The measure establishes a procedure for seeking reimbursement from those offenders who are capable of paying the cost of the incarceration. The bill is based on a similar program in McCall County, Michigan. The county collected $750,000 in reimbursement from prisoners in 1992. This figure represents about 15 percent of all demands for reimbursement which were made. The county spent $76,000 to operate the program. Your Committee on Judiciary does recommend Senate Bill No. 294.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. I rise in opposition to Senate Bill No. 294. I want to ask my colleagues to take a careful look at the provisions of this act, and I would note that we have now come full circle, because not only are we going to deny a person his liberty interest and his right to freely move about other citizens, but now we are going to make him pay for it at the same time. Mr. Speaker, I am aware of the cost to the state of incarcerating a prisoner, and I am aware that we are looking for alternative revenue sources and ways to alleviate this burden on society of caring for inmates, but it is my opinion that this bill is highly unconstitutional, and if not, it ought to be. The bill distinguishes based upon wealth. In my opinion, wealth is a suspect classification under the equal protection clause of the United States Constitution. Only rich people have to pay the cost of their incarceration, poor people do not. That kind of distinction cries out for constitutional scrutiny. I would also submit that paying the jailer out of your own pocket for being incarcerated is a violation of the eighth amendment, prohibition against cruel and unusual punishment. I know this has been tried in several states, but take a look at what we are doing. Section 3, line 9 allows the county to seek reimbursement from a nonindigent prisoner; distinction number one. Page 2, Section 6, line 26, at any time after the conviction, the sheriff or the administrator may issue a written demandit does not say "shall," it says "may" which appears to me to be a discretionary call. Once he issues the demand, line 32,"Payment is due upon the issuance of the written demand." And here is the real hammer, Section 7, line 36, "If a prisoner fails to make payment within 10 days . . .," then we go to court and we seek recovery—and on line 41—of the cost incurred of conducting the investigation to see whether or not you are rich enough to be brought here in the first place. Page 3, lines 5-10, the county or city treasurer in which the prisoner is held shall determine the amount owing to the county—and then line 9—such a statement is prima facie evidence of the amount due. He is now incarcerated, he has lost his freedom; we have determined there is an asset or two out there that we can grab; we determine how long he has been in jail; we add up the bill and we give it to him and he better pay us within 10 days. The committee crafted an exception, if you buy the policy argument and I applaud them for it, to say, "Well, we are not going to make you pay if there is child support or alimony or you are already paying to the victim restitution fund or other assessments." I applaud that action, but the whole concept of making someone pay for their own prison stay is abhorrent to me. I do not see how in civilized society, and I know

other so-called civilized countries do this, but they do not have the eighth amendment, and they do not have the fourteenth amendment. That separates the United States from other so-called civilized countries. That is a unique concept in America, Mr. Speaker. I would ask this body to take a hard look. We have had cost/benefit analysis arguments; we did it on sentencing, we did it on extradition, and I warned you then that you were going to see a bill coming to pay the jailor, and here it is. June 23, what is up on the board, you may now "pay to stay." Think about that. I urge your defeat of this bill. Thank you.

ASSEMBLYMAN COLLINS:

Thank you, Mr. Speaker. To you and through you to this body, I rise in strong opposition to this legislation creating a debtor's prison, and so forth, as our magnificent Majority Leader described in such eloquent terms. A county manager can say, "Geez, we need some money. Start throwing the guys with money in jail." He starts locking them up and starts collecting rent. I think we are definitely interfering with private enterprise. I mean, we have not asked the hotel industry, Ramada, Motel 6 or anybody, about competitive rates. Seriously, I am very much opposed to this legislation. It is an undue burden on those who are already in an unfortunate situation, sometimes not for their own reasons. I hope that we will dispose of this legislation properly. Thank you.

ASSEMBLYMAN BONAVENTURA:

Thank you, Mr. Speaker. I also rise in opposition to this measure. This bill promotes discrimination. It is a violation of a person's privacy as far as their financial records are concerned. We should look at enhancing the work programs in the county jails instead of letting inmates sit around and twiddle their thumbs. In the federal system, all sentenced and hold-over inmates have to work for their keep. They do not charge them a rental fee or a "pay as you stay" fee, as you call it. This bill should not be passed. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I, too, rise in opposition to Senate Bill No. 294, the famous "pay to stay" bill. I believe that the Majority Leader has eloquently spoken for the reasons that we should not pass this particular legislation, but it seems to me that when we take a person's freedom away, it is then society's responsibility to pay for the keep of that person. If we start to discriminate against whether you have or you have not, I believe that is a real serious situation in this United States of America. So, I would urge my colleagues to vote against Senate Bill No. 294.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I have some concerns about this bill, as well. I appreciate in Section 7 the exceptions made for child, alimony and restitution to victims, but not everyone who is incarcerated is divorced. There are spouses out there; there are still intact families, and I need to know how the assets of the family will be impacted by this requirement.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. Yes, that is a real good question, and it needs to be emphasized that a prisoner with an intact family will also have that taken into consideration on the evaluation of whether or not there should be an imposition of a fine. If you look at page 3 subsection 4, you will see a clause which reads, "Before entering any order on behalf of the county or city against a prisoner, the court shall consider any obligation the prisoner may have to support a spouse, minor children or other dependents, or any other support voluntarily provided to a dependent by the prisoner." It is also anticipated that the analysis of whether an individual has the ability to pay will take into consideration existing obligations of the incarcerated person, most particularly support of family and children.

MR. SPEAKER:

Mr. Sader, is that on page 3? I think that is the wrong page.

ASSEMBLYMAN SADER:

I was looking at the prior reprint, Mr. Speaker, my mistake. That language was amended out in the amendment because of the language that exists on page 3, subsection 6. As I mentioned, it is intended that the ability to pay, meaning the support for others, is a consideration on the question of whether or not you have the ability to pay.

ASSEMBLYMAN FREEMAN:

My question was the same as Mrs. Evans. Thank you.

ASSEMBLYMAN NEIGHBORS:

Thank you, Mr. Speaker. As a former county manager I must say the bill has some merit, although I am totally opposed to it. To you and through you to my colleague from District 31, just to make a point. If you are an indigent, then the county is going to pay. But, if you have the ability to pay, is that correct, then you would be responsible for your own payment?

ASSEMBLYMAN ANDERSON:

Indeed, Mr. Speaker, through you to my colleague from Tonopah, excuse me. After conviction, you would be able to collect these dollars only. On page 2, Section 6, the time after the conviction of a prisoner at line 26 would enable you to do that, yes. In Section 3, if there were good time credits that were obtained, in which case the county would be able to reach back to an earlier time period.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I am also rising in opposition, but I do have a letter here from someone who is supporting the bill, but who is looking for an amendment that would allow him to pay a little more. So Mr. Michael Milkin would like to be able to pay a little more because he would prefer to stay at the Mirage.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. That is hard to follow. Mr. Milkin, of course, is in federal prison. He is not going to be taken care of. I would like to say this is probably the last controversial bill on criminal justice that the Assembly will process this session. In a sense, I am enthused that it is opposed because I have enjoyed immensely the opportunity to discuss these issues on the floor with the esteemed Majority Leader. It may be a burden to the rest of you, but it has been a pure joy to me, and I suspect the Majority Leader, to have the opportunity to debate these things.

A couple of questions on the Constitutional issues. First of all, the suggestion that there is an unconstitutional provision here based on equal protection because there is a suspect classification based on wealth, I would suggest to you that it is exactly backwards. What there is, is a Constitutional prohibition on making people pay for government services in any context if you are too poor to pay. That is unconstitutional. This bill takes care of that by the financial analysis. It is indeed, as our colleague from Tonopah suggests, a bill where those who can afford it, pay and those who cannot afford it, do not have to pay.

Now, the eighth amendment issue, cruel and unusual punishment as a suggestion, to make somebody pay for their stay in prison. I think you can ask that question the other way. I believe it is cruel and unusual punishment to make the taxpayer pay for people who can afford to do so in circumstances like this. That is really the gut issue in this bill. I think you all have to ask yourself, and I greatly respect those who oppose this bill for the reasons they have suggested, but ask yourself this question, why should the taxpayer pay for the incarceration of people who can afford to pay themselves? We have a tremendous obligation, a horrible financial burden that we all understand as legislators, to support the prison system and the county jail system with our taxes. For those who have done the crime, and are doing the time, why should we have to pay for them? That seems to me to victimize the taxpayer as well as the person who is victimized by the crime in those circumstances where the individual does have the ability to pay. That was really the issue to the majority of the Judiciary Committee who passed this bill. If you think it is our burden to pay for everybody and anybody, no matter what they do to society, let us put them in jail and have to pay for them too, then you lose me at that point. I think there is a point where the financial responsibility should be shifted to those who have the ability to pay for it.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. It is with fear and trembling that I rise to oppose this bill. Fear and trembling because we have two attorneys here, both of them eloquent, far more educated in these matters than I. However, some of the discussion on the floor caused me to think about my concerns. Sitting on the Ways and Means Committee and the Taxation Committee, I am only too well aware of the burden on the taxpayers from both directions. The truth is, this is the United States of America. Are we marching down the road to debtors' prisons. Debtors' prisons are what brought us to this country. Are we going to see such shortfalls in local governments budgets by incarcerating only those who can afford to pay? And are we going to find reasons not to incarcerate those who cannot afford to pay because they are exempted from paying. It costs the local governments money to imprison them. In terms of policy, and we have heard a lot about policy this session, I oppose this bill and I would urge my colleagues to oppose it.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. To you and through you, to the chairman of the Judiciary Committee, I have two questions. Was there any testimony in committee in regards to how much money this would raise in a jail the size of the Clark County Detention Center? The second question would be, it has been my experience, particularly at the municipal court level, that often, judges will give the defendant the opportunity to choose either between doing the time in the municipal jail, or paying a fine, or working the fine off during the incarceration at $25 to $50 a day and not based upon indigency, just based upon convenience for the defendant. Was that ever addressed?

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. To you and through you, no, those issues were not addressed. No one ventured an estimate of what the recovery might be, either in Washoe County or Clark County, the two big pushers for this bill. We thought it would be rather speculative to do so. We just have to pass the law and see what happens.

ASSEMBLYMAN PORTER:

Thank you, Mr. Speaker. For a second time, I, too, have enjoyed the debates over the years with the chairman of the Judiciary Committee. I do wish to address one point that he made and that was the concept of should we pay for these individuals, and why shouldn't they pay themselves. Mr. Speaker, that begs the entire question.

The whole fundamental societal system, if you want to argue Leviathan and Thomas Hobbess and the state of nature, and if you want to get to that, yes, the tradeoff is, I want my neighborhood safe, I want these people away from my children. I do not want them in my neighborhoods and I will pay for that. That is the tradeoff.

When society starts in on the state of nature, if you go back to Leviathan, you will see in society, if I pick up a club and beat you over the head, and take something you have, I have committed no moral wrong because I am acting as it is my nature to act. Society is formed because the little guys get together and say, "If we band together, we can protect ourselves from the big guy." You have the birth of civilized society. You have the social contract and you have the principles which founded the American Constitution. The issue is that tradeoff. Do you want these people out of your life? You have to pay for it. It is the cost of doing business. It is the fundamental premise of our entire civilized structure. I urge your defeat of this bill. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. For the second time, after the debate between the two esteemed legal counsels, my remarks may be somewhat slanted or out of order. It seems to me that I, too, want to pay my taxes and I will pay my taxes to make the streets safe. That is my obligation. If something happens and I have been paying my taxes all these years to keep the streets safe, and all of a sudden something happens to me, and I am thrown in the slammer, after being a good guy, and then I have to pay to stay, I really think that is a double jeopardy because I have already paid for my stay.

Assemblymen Giunchigliani, Evans and McGaughey moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 294.

Roll call on Senate Bill No. 294:

YEAS—14.

NAYS—Arberry, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Ernaut, Evans, Freeman, Giunchigliani, Hettrick, Kenny, Lambert, McGaughey, Neighbors, Perkins, Petrak, Porter, Price, Schneider, Segerblom, Smith, Myrna Williams, Wendell Williams, Mr. Speaker—28.

Senate Bill No. 294 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Senate Bill No. 61.

Bill read third time.

The following amendment was proposed by Assemblyman Carpenter:

Amendment No. 1048.

Amend section 1, page 1, by deleting line 4 and inserting: "toilet facilities [, which shall] *or portable facilities for temporarily holding sewage that is treated with chemicals which must* be kept in a clean and sanitary state.".

Amend section 1, page 1, line 10, after "*facilities*" by inserting: "*and portable facilities*".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:21 p.m.

ASSEMBLY IN SESSION

At 12:24 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 647, 702, 707, 726, 758; Senate Bill No. 256 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Collins:

Assembly Bill No. 777—An Act relating to contractors; requiring the state contractors' board to establish separate categories of master and journeyman in certain trades; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Collins moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 778—An Act relating to insurance; temporarily revising the manner in which the insurance premium tax is collected; and providing other matters properly relating thereto.

Assemblyman Bennett moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 779—An Act relating to the financing of public education; requiring the construction of a certain school in Mineral County, the issuance of certain public securities to pay for it, and the imposition of certain taxes to defray the interest and repayment of those securities; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 780—An Act relating to swimming pools; requiring all swimming pools other than those at residences to comply with the health and safety standards for public pools; requiring nonconforming pools to be brought into conformance with those standards within a certain period; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 508.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1043.

Amend sec. 2, page 2, line 17, by deleting "[10] *6*" and inserting "6".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 647.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 979.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 108 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *"Recreational vehicle" has the meaning ascribed to it in NRS 482.101.*

Sec. 3. *"Recreational vehicle park" means a campground or other facility, any portion of which is rented or held out for rent to accommodate recreational vehicles.*

Sec. 4. *"Trailer" means every vehicle defined in NRS 482.110, 482.125, 482.127 and 482.134.*".

Amend the bill as a whole by renumbering sec. 2 as sec. 5.

Amend sec. 2, page 1, line 6, by deleting "*section 1*" and inserting "*sections 2, 3 and 4*".

Amend sec. 2, page 1, line 8, by deleting "*section 1*" and inserting "*sections 2, 3 and 4*".

Amend the bill as a whole by renumbering sections 3 through 8 as sections 7 through 12 and adding a new section designated sec. 6, following sec. 2, to read as follows:

"Sec. 6. NRS 108.266 is hereby amended to read as follows:

108.266 "Landlord" means the owner or lessor of:

1. A mobile home lot;
2. A mobile home park; [or]
3. *A recreational vehicle park; or*
4. Land which is not located within a mobile home park, but which is rented or held out for rent to accommodate a mobile home or a manufactured home.".

Amend sec. 4, page 2, line 16, by deleting "2. A" and inserting:

"2. *Subject to the provisions of NRS 108.315, a person engaged in the business of keeping a recreational vehicle park who, at the request or with the consent of the owner of a recreational vehicle or his representative, furnishes facilities or services in the recreational vehicle park for the recreational vehicle, has a lien upon the recreational vehicle for the amount of rent due for furnishing those facilities and services, and for all costs incurred in enforcing such a lien.*

3. A".

Amend sec. 4, page 2, by deleting line 20 and inserting:

"[3.] *4.* Any person who is entitled to a lien as provided in subsections 1 [and 2] *, 2 and 3*".

Amend sec. 4, page 2, line 22, after "*trailer,*" by inserting "*recreational vehicle,*".

Amend sec. 5, page 2, line 43, after "*trailer,*" by inserting "*recreational vehicle,*".

Amend sec. 5, page 2, line 48, after "*trailer,*" by inserting "*recreational vehicle,*".

Amend sec. 6, page 3, line 12, after "*trailer,*" by inserting "*recreational vehicle,*".

Amend sec. 7, page 3, line 21, after "*trailer,*" by inserting "*recreational vehicle,*".

Amend sec. 7, page 3, line 25, after "*trailer,*" by inserting "*recreational vehicle,*".

Amend sec. 8, page 4, line 5, after "*trailer,*" by inserting "*recreational vehicle,*".

Amend sec. 8, page 4, line 15, after "*trailer,*" by inserting "*recreational vehicle,*".

Amend sec. 8, page 4, line 20, after "*trailer,*" by inserting "*recreational vehicle,*".

Amend sec. 8, page 4, line 34, after "*trailer,*" by inserting "*recreational vehicle,*".

Amend the bill as a whole by renumbering sections 9 through 13 as sections 14 through 18 and adding a new section designated sec. 13, following sec. 8, to read as follows:

"Sec. 13. NRS 108.315 is hereby amended to read as follows:

108.315 1. Any landlord who desires to enforce a lien for unpaid rent or rent and utilities under the provisions of NRS 108.270 to 108.360, inclusive, must within 15 days after the rent is 30 days past due, make a demand in writing upon the registered owner of the *recreational vehicle,* mobile home or manufactured home, for the amount due, stating that a lien is claimed on the *recreational vehicle,* mobile home or manufactured home. A copy of the demand must be sent to every holder of a security interest in, and every tenant or subtenant of, the *recreational vehicle,* mobile home or manufactured home, and to the [manufactured] *:*

(a) Manufactured housing division of the department of commerce, *with regard to mobile homes and manufactured homes; or*

(b) Registration division of the department of motor vehicles and public safety, with regard to recreational vehicles,

by registered or certified mail.

2. [For the purpose of obtaining] *To obtain* the name and address of a holder of a security interest in the *recreational vehicle,* mobile home or manufactured home, the landlord shall, before making the demand for payment, request that information from the:

(a) Manufactured housing division of the department of commerce with regard to mobile homes, manufactured homes, and commercial coaches as defined in chapter 489 of NRS [.] *; or*

(b) Department of motor vehicles and public safety with regard to all other vehicles [.

The] ,

and the state agency shall supply that information from its records . [or, if] *If* the *recreational vehicle,* mobile home or manufactured home is registered in another state, territory or country, *the landlord shall, before making the demand for payment,* obtain the information from the appropriate agency of that state, territory or country.

3. A landlord who enforces a lien for unpaid rent may recover an amount equal to:

(a) The amount of the unpaid rent;

(b) The cost of any advertising and notices required pursuant to NRS 108.270 to 108.360, inclusive;

(c) The cost and fees ordered by a court in any action contesting the validity of a lien; and

(d) The cost of a sale, if a sale by auction is made pursuant to the provisions of NRS 108.310.

4. No *recreational vehicle,* mobile home or manufactured home may be sold for delinquent rent or rent and utilities until 4 months have elapsed after the first default in payment, and a notice of lien has been served pursuant to subsection 1. At least 10 days but not more than 30 days before a sale, a written notice of sale by auction must be sent to the registered owner and tenant or subtenant and to every holder of a security interest in the *recreational vehicle,* mobile home or manufactured home by registered or certified mail stating that a sale by auction of the *recreational vehicle,* mobile home or manufactured home is to be made pursuant to the provisions of NRS 108.310. The written notice of sale by auction must include the time and location of the sale, the amount necessary to satisfy the lien and a description of the legal proceeding available to contest the lien pursuant to NRS 108.350 and 108.355.".

Amend sec. 9, page 4, line 37, after "*trailer,*" by inserting "*recreational vehicle,*".

Amend sec. 9, page 4, line 43, after "*trailer,*" by inserting "*recreational vehicle,*".

Amend sec. 10, page 5, line 2, after "*trailer,*" by inserting "*recreational vehicle,*".

Amend sec. 11, page 5, line 8, after "*trailer,*" by inserting "*recreational vehicle,*".

Amend sec. 12, page 5, line 21, after "*trailer,*" by inserting "*recreational vehicle,*".

Amend sec. 13, page 6, line 4, after "trailer," by inserting "recreational vehicle,".

Amend sec. 13, page 6, line 11, after "trailer," by inserting "recreational vehicle,".

Amend the bill as a whole by adding a new section designated sec. 19, following sec. 13, to read as follows:

"Sec. 19. Section 5 of Senate Bill No. 199 of this session is hereby amended to read as follows:

Sec. 5. NRS 108.315 is hereby amended to read as follows:

108.315 1. Any landlord who desires to enforce a lien for unpaid rent or rent and utilities under the provisions of NRS 108.270 to 108.360, inclusive, must within 15 days after the rent is 30 days past due, make a demand in writing upon the registered owner of the recreational vehicle, mobile home or manufactured home, for the amount due, stating that a lien is claimed on the recreational vehicle,

mobile home or manufactured home. A copy of the demand must be sent to every holder of a security interest *and every person who is listed in the records of the manufactured housing division of the department of commerce as holding an ownership or other interest* in, and every tenant or subtenant of, the recreational vehicle, mobile home or manufactured home, and to the:

(a) Manufactured housing division of the department of commerce, with regard to mobile homes and manufactured homes; or

(b) Registration division of the department of motor vehicles and public safety, with regard to recreational vehicles,

by registered or certified mail.

2. To obtain the name and address of a holder of a security interest *or a person who is listed in the records of the manufactured housing division of the department of commerce as holding an ownership or other interest* in the recreational vehicle, mobile home or manufactured home, the landlord shall, before making the demand for payment, request that information from the:

(a) Manufactured housing division of the department of commerce with regard to mobile homes, manufactured homes, and commercial coaches as defined in chapter 489 of NRS; or

(b) Department of motor vehicles and public safety with regard to all other vehicles,

and the state agency shall supply that information from its records. If the recreational vehicle, mobile home or manufactured home is registered in another state, territory or country, the landlord shall, before making the demand for payment, obtain the information from the appropriate agency of that state, territory or country.

3. A landlord who enforces a lien for unpaid rent may recover an amount equal to:

(a) The amount of the unpaid rent;

(b) The cost of any advertising and notices required pursuant to NRS 108.270 to 108.360, inclusive;

(c) The cost and fees ordered by a court in any action contesting the validity of a lien; and

(d) The cost of a sale, if a sale by auction is made pursuant to the provisions of NRS 108.310.

4. No recreational vehicle, mobile home or manufactured home may be sold for delinquent rent or rent and utilities until 4 months have elapsed after the first default in payment, and a notice of lien has been served pursuant to subsection 1. At least 10 days but not more than 30 days before a sale, a written notice of sale by auction must be sent to the registered owner and tenant or subtenant and to every holder of a security interest *and every person who is listed in the records of the manufactured housing division of the department of commerce as holding an ownership or other interest*in the recreational vehicle, mobile home or manufactured home by registered or certified mail stating that a sale by auction of the recreational vehicle, mobile home or manufac-

tured home is to be made pursuant to the provisions of NRS 108.310. The written notice of sale by auction must include the time and location of the sale, the amount necessary to satisfy the lien and a description of the legal proceeding available to contest the lien pursuant to NRS 108.350 and 108.355.".

Amend the title of the bill to read as follows:

"An Act relating to statutory liens; providing for liens on trailers and recreational vehicles under certain circumstances; revising the procedure for a landlord to obtain certain information regarding security interests in a mobile home or manufactured home before enforcing certain liens thereon; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides for liens on trailers and recreational vehicles under certain circumstances. (BDR 9-1998)".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 702.

Bill read second time.

The following amendment was proposed by the Committee on Labor and Management:

Amendment No. 874.

Amend sec. 3, page 1, line 9, by deleting "*department*" and inserting "*division*".

Amend sec. 3, page 1, line 14, by deleting "*director.*" and inserting "*administrator.*".

Amend sec. 3, page 1, line 15, by deleting "*The department*" and inserting: "*The division shall not authorize:*

(a) An organization for managed care, which has contracted with an insurer pursuant to section 74 or 78 of Senate Bill No. 316 of this session;

(b) A third-party administrator; or

(c) A person with a financial interest in an organization for managed care, which has contracted with an insurer pursuant to section 74 or 78 of Senate Bill No. 316 of this session, or in a third-party administrator,

to conduct any portion of the training that the division requires for the certification of claims examiners.

3. The division".

Amend sec. 4, page 1, line 21, by deleting "*department*" and inserting "*division*".

Amend sec. 5, page 2, line 1, after "*1.*" by inserting: "*If a complaint is filed with the division by an employee of a self-insured employer, or by a third-party administrator or provider of medical care regarding compliance with statutes or the division's regulations, the administrator shall cause to be conducted an investigation which includes a review of relevant records and interviews of affected persons.*

2. After an investigation pursuant to subsection 1 and upon a finding of intentional or repeated noncompliance, the administrator shall impose an administrative fine of not more than $250 for each initial noncompliance which was not intentional, or a fine of not more than $1,000 for each intentional or repeated noncompliance. Two or more findings of material noncompliance within a 12-month period constitute grounds for the suspension of the self-insured employer's certification by the division.

3.".

Amend sec. 5, page 2, by deleting lines 2 and 3 and inserting: "*division may submit a written request for a hearing to the administrator within 10 days after receiving notice of the division's decision.*".

Amend sec. 5, page 2, by deleting line 4 and inserting:

"*4. If the employer requests a hearing pursuant to subsection 3:*".

Amend sec. 5, page 2, line 5, by deleting "*director*" and inserting "*administrator*".

Amend sec. 5, page 2, line 11, by deleting "*director*" and inserting "*administrator*".

Amend sec 5, page 2, line 12, by deleting "*department*" and inserting "*division*".

Amend sec. 6, page 2, line 16, after "inclusive," by inserting: "and sections 3 to 10, inclusive, of [this act,] *Senate Bill No. 316 of this session,*".

Amend sec. 7, page 2, line 20, by deleting "*department*" and inserting "*division*".

Amend sec. 8, pages 2 and 3, by deleting lines 24 through 47 on page 2 and lines 1 through 8 on page 3 and inserting:

"616.182 1. Except as otherwise provided in this section, the department shall regulate insurers under this chapter and chapter 617 of NRS and investigate insurers regarding compliance with statutes and the department's regulations.

2. The commissioner is responsible for reviewing rates [, investigating the solvency of insurers and certifying self-insured employers and third-party administrators] pursuant to NRS [616.291 to 616.298, inclusive, 616.338 and chapter 683A of NRS.] *616.380 and 616.387.*

3. The department of administration is responsible for contested claims relating to workers' compensation pursuant to NRS 616.541 to 616.544, inclusive, and section 79 of [this act.] *Senate Bill No. 316 of this session.* The system is responsible for administrative appeals pursuant to NRS 616.392.

4. The Nevada attorney for injured workers is responsible for legal representation of claimants pursuant to NRS 616.253 to 616.2539, inclusive.

5. The division is responsible for [the investigation of complaints. If a complaint is filed with the division by an employee of a self-insured employer, or by a third-party administrator or provider of medical care regarding compliance of a self-insured employer with statutes or the depart-

ment's regulations, the administrator shall cause to be conducted an investigation which includes a review of relevant records and interviews of affected persons.

6. If an investigation conducted pursuant to subsection 5 indicates that a self-insured employer has failed to comply with a statute or regulation, the administrator may order that an evidentiary hearing take place. Upon a finding that material noncompliance has occurred, the administrator shall impose a fine of not more than $1,000 against the self-insured employer. Two or more findings of material noncompliance within a 12-month period constitute grounds for the suspension of the self-insured employer's certification by the commissioner.] *investigating complaints and certifying self-insured employers and third-party administrators pursuant to NRS 616.291 to 616.303, inclusive, 616.338 and section 5 of this act.*".

Amend the bill as a whole by adding a new section designated sec. 8.5, following sec. 8, to read as follows:

"Sec. 8.5. NRS 616.182 is hereby amended to read as follows:

616.182 1. Except as otherwise provided in this section, the department shall regulate insurers under this chapter and chapter 617 of NRS and investigate insurers regarding compliance with statutes and the department's regulations.

2. The commissioner is responsible for reviewing rates pursuant to NRS 616.380 and 616.387.

3. The department of administration is responsible for contested claims relating to workers' compensation pursuant to NRS 616.541 to 616.544, inclusive, and section 79 of [this act.] *Senate Bill No. 316 of this session.* The system is responsible for administrative appeals pursuant to NRS 616.392.

4. The Nevada attorney for injured workers is responsible for legal representation of claimants pursuant to NRS 616.253 to 616.2539, inclusive.

5. The division is responsible for investigating complaints , *certifying claims examiners pursuant to section 3 of this act* and certifying self-insured employers, associations of self-insured public or private employers and third-party administrators pursuant to NRS 616.291 to 616.303, inclusive, 616.338, sections 25 to 51, inclusive, of [this act] *Senate Bill No. 316 of this session* and section 5 of [Assembly Bill No. 702 of this session.] *this act.*".

Amend the bill as a whole by adding a new section designated sec. 9.5, following sec. 9, to read as follows:

"Sec. 9.5. NRS 616.220 is hereby amended to read as follows:

616.220 The administrator shall:

1. Prescribe by regulation the time within which adjudications and awards must be made.

2. Regulate forms of notices, claims and other blank forms deemed proper and advisable.

3. Prescribe by regulation the methods by which an insurer may approve or reject claims, and may determine the amount and nature of benefits payable in connection therewith.

4. Provide by regulation for adequate notice to each claimant and employer of his right:

(a) To the resolution of a contested claim in the manner provided in section 79 of this act.

(b) To a hearing in the manner provided in NRS 616.5412 to 616.544, inclusive.

(c) To judicial review of any final decision.

5. Prescribe by regulation the method for reimbursing an injured employee for expenses necessarily incurred for travel more than 20 miles one way from his residence or place of employment to his destination as a result of an industrial injury.

6. *Adopt any regulations that are necessary to carry out the provisions NRS 616.299, 616.301 and 616.303.*

7. Except with respect to any matter committed by specific statute to the regulatory authority of another person or agency, adopt such other regulations as he deems necessary to carry out the provisions of this chapter and chapter 617 of NRS.".

Amend sec. 10, page 3, line 35, by deleting "*department*" and inserting "*division*".

Amend sec. 10, page 3, line 36, by deleting "*department's*" and inserting "*division's*".

Amend sec. 10, page 3, line 37, by deleting "*department*" and inserting "*division*".

Amend sec. 11, pages 3 and 4, by deleting lines 40 through 48 on page 3 and lines 1 through 26 on page 4 and inserting:

"Sec. 11. (Deleted by amendment.)".

Amend sec. 12, page 4, lines 30 and 31, by deleting: "[commissioner] *department* or" and inserting "[commissioner or]".

Amend sec. 12, page 4, line 32, by deleting: "[commissioner] *department* or" and inserting "[commissioner or]".

Amend sec. 12, page 4, line 37, by deleting "*director.*" and inserting "*administrator.*".

Amend the bill as a whole by deleting sections 13 through 15 and inserting:

"Secs. 13-15. (Deleted by amendment.)".

Amend sec. 16, page 5, line 32, by deleting "*department*" and inserting "*division*".

Amend sec. 17, page 5, line 37, by deleting "*department*" and inserting "*division*".

Amend sec. 17, page 5, line 42, by deleting "*department*" and inserting "*division*".

Amend sec. 17, page 6, line 5, by deleting "*department*" and inserting "*division*".

Amend sec. 17, page 6, line 9, by deleting "*department*" and inserting "*division*".

Amend sec. 17, page 6, line 13, by deleting "*department.*" and inserting "*division.*".

Amend sec. 17, page 6, line 16, by deleting "*department*" and inserting "*division*".

Amend sec. 17, page 6, lines 17 and 18, by deleting "*department*" and inserting "*division*".

Amend sec. 17, page 6, line 19, by deleting "*department*" and inserting "*division*".

Amend sec. 17, page 6, line 20, by deleting "*department*" and inserting "*division*".

Amend sec. 17, page 6, line 22, by deleting "*department.*" and inserting "*division.*".

Amend sec. 17, page 6, line 23, by deleting "*department*" and inserting "*division*".

Amend sec. 17, page 6, line 26, by deleting "*department*" and inserting "*division*".

Amend sec. 17, page 6, lines 30 and 31, by deleting "*department*" and inserting "*division*".

Amend sec. 18, page 6, line 40, by deleting "*department*" and inserting "*division*".

Amend sec. 18, page 6, line 43, by deleting "*department*" and inserting "*division*".

Amend sec. 18, page 6, line 44, by deleting "*department*" and inserting "*division*".

Amend sec. 18, page 7, line 2, by deleting "*department*" and inserting "*division*".

Amend sec. 19, page 7, line 9, by deleting "*department*" and inserting "*division*".

Amend sec. 20, page 7, line 22, by deleting "*department*" and inserting "*division*".

Amend sec. 20, page 7, line 25, by deleting "*department*" and inserting "*division*".

Amend sec. 21, page 7, lines 30 and 31, by deleting "*department*" and inserting "*division*".

Amend sec. 21, page 7, line 33, by deleting "*department*" and inserting "*division*".

Amend sec. 21, page 7, line 34, by deleting "*department*" and inserting "*division*".

Amend sec. 22, page 7, line 38, by deleting "*department*" and inserting "*administrator*".

Amend sec. 22, page 7, line 43, by deleting "*department;*" and inserting "*division;*".

Amend sec. 22, page 8, line 2, by deleting "*department*" and inserting "*division*".

Amend sec. 22, page 8, line 5, by deleting "*department*" and inserting "*division*".

Amend sec. 23, page 8, line 17, by deleting "*department*" and inserting "*administrator*".

Amend sec. 24, page 8, line 24, by deleting "*department*" and inserting "*division*".

Amend sec. 24, page 8, line 29, by deleting "*department*" and inserting "*division*".

Amend sec. 24, page 8, line 33, by deleting "*department*" and inserting "*administrator*".

Amend the bill as a whole by adding new sections designated sections 24.2 and 24.4, following sec. 24, to read as follows:

"Sec. 24.2. NRS 616.299 is hereby amended to read as follows:

616.299 1. An insurer may enter into a contract to have his plan of insurance administered by a third-party administrator.

2. An insurer shall not enter into a contract with any person for the administration of any part of the plan of insurance unless that person maintains an office in this state and has [a valid certificate issued by the commissioner pursuant to NRS 683A.085.] *been certified by the division as a third-party administrator.* The system may, as a part of a contract entered into with an organization for managed care pursuant to section 74 of [this act,] *Senate Bill No. 316 of this session,* require the organization to act as its third-party administrator.

Sec. 24.4. NRS 616.301 is hereby amended to read as follows:

616.301 1. A person shall not act as a third-party administrator for an insurer [without a certificate issued by the commissioner pursuant to NRS 683A.085.] *, unless he has been certified by the division as a third-party administrator.*

2. A person who acts as a third-party administrator pursuant to this chapter shall:

(a) Administer from one or more offices located in this state all of the claims arising under each plan of insurance that he administers and maintain in those offices all of the records concerning those claims;

(b) Administer each plan of insurance directly, without subcontracting with another third-party administrator; and

(c) Upon the termination of his contract with an insurer, transfer forthwith to a certified third-party administrator chosen by the insurer all of the records in his possession concerning claims arising under the plan of insurance.

3. The [commissioner] *division* may, under exceptional circumstances, waive the requirements of subsection 2.".

Amend sec. 25, page 9, line 7, by deleting "commissioner" and inserting "[commissioner] *administrator*".

Amend sec. 25, page 9, line 10, by deleting "*department*" and inserting "*division*".

Amend sec. 25, page 9, line 14, by deleting: "the commissioner , *the department* or" and inserting: "[the commissioner or]".

Amend sec. 25, page 9, by deleting line 15 and inserting: "administration of the plan of insurance.".

Amend sec. 26, page 9, line 25, by deleting "*department*" and inserting "*division*".

Amend sec. 26, page 9, line 26, by deleting "*department*" and inserting "*division*".

Amend sec. 26, page 9, line 28, by deleting "*department.*" and inserting "*division.*".

Amend sec. 27, page 9, line 32, by deleting "*department*" and inserting "*division*".

Amend sec. 27, page 9, line 33, by deleting "*department*" and inserting "*division*".

Amend sec. 27, page 9, line 36, by deleting "*department,*" and inserting "*division,*".

Amend sec. 27, page 9, line 38, by deleting "*department*" and inserting "*division*".

Amend sec. 27, page 9, line 40, by deleting "*department*" and inserting "*division*".

Amend sec. 28, page 10, line 4, by deleting: "[commissioner] *department* or the" and inserting: "[commissioner or the]".

Amend sec. 28, page 10, line 5, by deleting "[his] *the*" and inserting "his".

Amend sec. 28, page 10, line 10, by deleting: "[commissioner] *department* or the" and inserting: "[commissioner or the]".

Amend sec. 28, page 10, lines 12 and 13, by deleting: "[he] *the department or the administrator*" and inserting "he".

Amend the bill as a whole by adding a new section designated sec. 28.5, following sec. 28, to read as follows:

"Sec. 28.5. NRS 616.5415 is hereby amended to read as follows:

616.5415 1. It is unlawful for any person who is not:

(a) Employed full time by the employee's labor organization;

(b) Admitted to practice law in this state; or

(c) Appearing without compensation on behalf of the employee,

to represent the employee before a hearings officer. It is unlawful for any person who is not admitted to practice law in this state to represent the employee before an appeals officer.

2. It is unlawful for any person who is not:

(a) Employed full time by the employer of a trade association to which the employer belongs;

(b) Admitted to practice law in this state; or

(c) A licensed third party administrator,

to represent the employer at hearings of contested cases.

3. The [commissioner] *division* shall adopt regulations which include the:

(a) Requirements for licensure of employers' representatives, including:

(1) The registration of each representative; and

(2) The filing of a copy of each written agreement for the compensation of a representative;

(b) Procedure for such licensure; and

(c) Causes for revocation of such a license, including any applicable action listed in NRS 616.647 or a violation of this section.

4. Any person who is employed by or contracts with an employer to represent the employer at hearings regarding contested claims is an agent of the employer. If the employer's representative violates any provision of this chapter, the employer is liable for any penalty assessed because of that violation.

5. An employer shall not make the compensation of any person representing him contingent in any manner upon the outcome of any contested claim.

6. The [commissioner] *division* shall collect in advance and deposit with the state treasurer for credit to the state general fund the following fees for licensure as an employer's representative:

(a) Application and license..... $78

(b) Triennial renewal of each license..... 78".

Amend the bill as a whole by deleting section 29 and inserting:

"Sec. 29. (Deleted by amendment).".

Amend sec. 30, pages 10 through 12, by deleting lines 27 through 48 on page 10, lines 1 through 47 on page 11 and lines 1 through 9 on page 12 and inserting:

"616.647 1. Except as otherwise provided in subsection 2, if the administrator determines that an insurer, organization for managed care, health care provider, third-party administrator or employer has:

(a) Induced a claimant for compensation to fail to report an accidental injury or occupational disease;

(b) Persuaded a claimant to settle for an amount which is less than reasonable;

(c) Persuaded a claimant to settle for an amount which is less than reasonable while a hearing or an appeal is pending;

(d) Persuaded a claimant to accept less than the compensation found to be due him by a hearing officer or appeals officer;

(e) Refused to pay or unreasonably delayed payment to a claimant of compensation found to be due him by a hearing officer or appeals officer;

(f) Made it necessary for a claimant to resort to proceedings against the employer or insurer for compensation found to be due him by a hearing officer or appeals officer;

(g) Failed to comply with the department's regulations covering the payment of an assessment relating to the funding of costs of administration of this chapter and chapter 617 of NRS; or

(h) Intentionally or repeatedly failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 617 of NRS,

the administrator shall impose an administrative fine of not more than $250 for each initial violation which was not intentional, or a fine of not more than $1,000 for each intentional or repeated violation.

2. In addition to any fine imposed pursuant to subsection 1, the administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures used to calculate an assessment an administrative penalty of up to twice the amount of any underpaid assessment.

3. If the administrator determines that a person has violated any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of [this act,] *Senate Bill No. 316 of this session,* the administrator shall impose an administrative fine of not more than $10,000.

4. Two or more fines of $1,000 imposed in 1 year for acts enumerated in subsection 1 must be considered by the [commissioner] *division* as evidence for the revocation of a certificate of self-insurance.

5. The [commissioner] *division* may withdraw the certification of a self-insured employer if, after a hearing, it is shown that the self-insured employer violated any provision of subsection 1.".

Amend sec. 31, page 12, line 19, by deleting: "*and local government*".

Amend sec. 31, page 12, line 23, by deleting: "*agency or local government.*" and inserting "*agency.*".

Amend sec. 31, page 12, line 27, by deleting: "*or local government*".

Amend sec. 31, page 12, line 31, by deleting: "*or local government*".

Amend sec. 32, page 12, line 40, by deleting: "*and local governments*".

Amend sec. 32, page 12, line 44, by deleting: "*agencies and local governments.*" and inserting "*agencies.*".

Amend sec. 33, page 13, lines 10 and 11, by deleting "*2 weeks*" and inserting "*90 days*".

Amend sec. 34, page 13, line 25, after "*upon*" by inserting: "*the division of industrial insurance regulation of*".

Amend sec. 34, page 13, line 26, by deleting "*subsection 1*" and inserting "*subsection 5*".

Amend sec. 35, page 13, by deleting line 29 and inserting: "232.700, inclusive, and of supporting the department, its various divisions, a full-time employee of the legislative counsel bureau and the fraud control unit for industrial insurance established pursuant to section 237 of [this act,] *Senate Bill No. 316 of this session,*".

Amend sec. 35, page 14, line 4, by deleting: "*and certification of third-party administrators*".

Amend sec. 35, page 14, by deleting lines 6 through 12 and inserting:

"(c) The salary and other expenses of a full-time employee of the legislative counsel bureau whose principal duties are limited to conducting research and reviewing and evaluating data related to industrial insurance.

(d) All salaries and other expenses of the fraud control unit for industrial insurance established pursuant to section 237 of [this act.] *Senate Bill No. 316 of this session.*

(e) Claims against uninsured employers arising from compliance with NRS 616.377 and 617.275.".

Amend sec. 36, page 14, line 20, after "insurance.]" by inserting "*division of industrial insurance regulation of the*".

Amend the bill as a whole by renumbering sections 37 through 40 as sections 46 through 49 and adding new sections designated sections 37 through 45, following sec. 36, to read as follows:

"Sec. 37. Section 5 of this act is hereby amended to read as follows:

Sec. 5. 1. If a complaint is filed with the division by an employee of a self-insured employer [,] *or of an employer who is a member of an association of self-insured public or private employers,* or by a third-party administrator or provider of medical care regarding compliance with statutes or the division's regulations, the administrator shall cause to be conducted an investigation which includes a review of relevant records and interviews of affected persons.

2. After an investigation pursuant to subsection 1 and upon a finding of intentional or repeated noncompliance, the administrator shall impose an administrative fine of not more than $250 for each initial noncompliance which was not intentional, or a fine of not more than $1,000 for each intentional or repeated noncompliance. Two or more findings of material noncompliance within a 12-month period constitute grounds for the suspension of the self-insured employer's *or association's* certification by the division.

3. A self-insured employer who is aggrieved by a decision of the division may submit a written request for a hearing to the administrator within 10 days after receiving notice of the division's decision.

4. If the employer requests a hearing pursuant to subsection 3:

(a) The administrator shall set a date for a hearing within 20 days after receiving the request and shall give the employer at least 10 business days' notice of the time and place of the hearing.

(b) A record of the hearing must be made and maintained, but it need not be transcribed unless the employer requests the transcription and pays the related costs.

(c) Within 5 business days after the hearing, the administrator shall either affirm or disaffirm the decision of the division and give the employer written notice of his decision by certified mail.

Sec. 38. Section 108 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 108. NRS 616.182 is hereby amended to read as follows:

616.182 1. Except as otherwise provided in this section, the department shall regulate insurers under this chapter and chapter 617 of NRS and investigate insurers regarding compliance with statutes and the department's regulations.

2. The commissioner is responsible for reviewing rates pursuant to NRS 616.380 and 616.387.

3. The department of administration is responsible for contested claims relating to workers' compensation pursuant to NRS 616.541 to 616.544, inclusive, and section 79 of [Senate Bill No. 316 of this session.] *this act.* The system is responsible for administrative appeals pursuant to NRS 616.392.

4. The Nevada attorney for injured workers is responsible for legal representation of claimants pursuant to NRS 616.253 to 616.2539, inclusive.

5. The division is responsible for investigating complaints and certifying self-insured employers , *associations of self-insured public or*

private employers and third-party administrators pursuant to NRS 616.291 to 616.303, inclusive, 616.338 , *sections 25 to 51, inclusive, of this act* and section 5 of [this act.] *Assembly Bill No. 702 of this session.*

Sec. 39. Section 110 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 110. (Deleted by amendment.).

Sec. 40. Section 117 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 117. NRS 616.2233 is hereby amended to read as follows:

616.2233 The system shall cooperate with the division in the performance of the division's duties pursuant to this chapter and shall provide the division with any information, statistics or data in its records which pertain to any employer who is making application to become self-insured or who is self-insured [.] *or who is becoming or who is a member of an association of self-insured public or private employers.*

Sec. 41. Section 122 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 122. NRS 616.228 is hereby amended to read as follows:

616.228 1. Any disciplinary action taken by a hearing officer or panel pursuant to NRS 616.425 is subject to the same procedural requirements which apply to disciplinary actions taken by the administrator, and the board or panel has the same powers and duties given to the administrator in relation thereto.

2. A decision of the hearing officer or panel relating to the imposition of an administrative fine is a final decision in a contested case. Any party aggrieved by a decision of the officer or panel to withdraw the certification of a self-insured employer *or an association of self-insured public or private employers* may appeal that decision to the administrator.

Sec. 42. Section 129 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 129. NRS 616.282 is hereby amended to read as follows:

616.282 1. The manager shall notify the state contractors' board within 10 days after the system becomes aware that a contractor's coverage has lapsed.

2. The division shall notify the state contractors' board within 10 days after a contractor's certificate of qualification as a self-insured employer is canceled or withdrawn [.] *or he is no longer a member of an association of self-insured public or private employers.*

Sec. 43. Section 156 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 156. NRS 616.425 is hereby amended to read as follows:

616.425 1. Except as otherwise provided in subsection 3, all premiums, contributions, penalties, bonds, securities and all other properties received, collected or acquired by the system pursuant to the terms of this chapter:

(a) Must be credited on the records of the system to the state insurance fund.

(b) Constitute, for the purpose of custody thereof, the state insurance fund, which must be held by the manager as custodian thereof for the benefit of employees and their dependents within the provisions of this chapter. The manager is liable on his official bond for the faithful performance of his custodial duty.

2. The administrator may delegate to a hearing officer or panel his authority to take any disciplinary action pursuant to NRS 616.294, 616.2945 or 616.647, *or sections 25 to 51, inclusive, of this act,* impose and collect administrative fines pursuant to those sections and deposit the money in the fund for workers' compensation and safety.

3. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 2 and the administrator deposits the money collected from the imposition of administrative fines with the state treasurer for credit to the state general fund, he may present a claim to the state board of examiners for recommendation to the interim finance committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 44. Section 205 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 205. NRS 616.647 is hereby amended to read as follows:

616.647 1. Except as otherwise provided in subsection 2, if the administrator determines that an insurer, organization for managed care, health care provider, third-party administrator or employer has:

(a) Induced a claimant for compensation to fail to report an accidental injury or occupational disease;

(b) Persuaded a claimant to settle for an amount which is less than reasonable;

(c) Persuaded a claimant to settle for an amount which is less than reasonable while a hearing or an appeal is pending;

(d) Persuaded a claimant to accept less than the compensation found to be due him by a hearing officer or appeals officer;

(e) Refused to pay or unreasonably delayed payment to a claimant of compensation found to be due him by a hearing officer or appeals officer;

(f) Made it necessary for a claimant to resort to proceedings against the employer or insurer for compensation found to be due him by a hearing officer or appeals officer;

(g) Failed to comply with the department's regulations covering the payment of an assessment relating to the funding of costs of administration of this chapter and chapter 617 of NRS; or

(h) Intentionally or repeatedly failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 617 of NRS,

the administrator shall impose an administrative fine of not more than $250 for each initial violation which was not intentional, or a fine of not more than $1,000 for each intentional or repeated violation.

2. In addition to any fine imposed pursuant to subsection 1, the administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures used to calculate an assessment an administrative penalty of up to twice the amount of any underpaid assessment.

3. If the administrator determines that a person has violated any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of this act, the administrator shall impose an administrative fine of not more than $10,000.

4. Two or more fines of $1,000 imposed in 1 year for acts enumerated in subsection 1 must be considered by the division as evidence for the [revocation] *withdrawal* of a certificate of self-insurance [.] *to act as a self-insured employer or an association of self-insured public or private employers.*

5. The division may withdraw the certification of a self-insured employer *or an association of self-insured public or private employers* if, after a hearing, it is shown that the self-insured employer *or association* violated any provision of subsection 1.

Sec. 45. Section 248 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 248. NRS 624.256 is hereby amended to read as follows:

624.256 Before granting an original or renewal of a contractor's license to any applicant who has one or more employees, the board shall require that the applicant submit to the board:

1. Proof of industrial insurance and insurance for occupational diseases which covers his employees; [or]

2. A copy of his certificate of qualification as a self-insured employer which was issued by the division of industrial insurance regulation of the department of industrial relations [.] *; or*

3. If the applicant is a member of an association of self-insured public or private employers, a copy of the certificate issued to the association by the division.".

Amend sec. 37, page 14, line 22, by deleting "is" and inserting: "and 616.304 are".

Amend sec. 38, page 14, line 24, by deleting "1993," and inserting "1994,".

Amend sec. 38, page 14, line 25, after "the" by inserting: "division of industrial insurance regulation of the".

Amend sec. 39, page 14, line 26, by deleting: "1993, each insurer shall provide to" and inserting: "1995, each insurer shall provide to the division of industrial insurance regulation of".

Amend sec. 39, page 14, by deleting lines 29 through 31 and inserting:

"2. A person who has been employed by an insurer as a claims examiner for 3 or more years before July 1, 1995, shall be deemed to be initially certified by the division of industrial insurance regulation as a claims examiner.".

Amend sec. 40, page 14, by deleting line 36 and inserting:

"Sec. 49. 1. This section and sections 38 to 45, inclusive, and 48 of this act become effective upon passage and approval.

2. Sections 1, 5, 7, 8, 9 to 36, inclusive, and 46 of this act become effective on July 1, 1994.

3. Sections 2, 3, 4, 37 and 47 of this act become effective on July 1, 1995.

4. Sections 6 and 8.5 of this act become effective at 12:01 a.m. on July 1, 1995.".

Amend the bill as a whole by adding the text of NRS 616.304 to the text of repealed sections.

Amend the title of the bill to read as follows:

"An Act relating to industrial insurance; requiring the division of industrial insurance regulation of the department of industrial relations to certify and regulate self-insured employers, third-party administrators and claims examiners; requiring the division of preventative safety of the department of industrial relations to ensure that a program relating to safety is administered to new businesses; requiring state agencies to establish certain programs relating to safety and injured employees; and providing other matters properly relating thereto.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 707.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 936.

Amend sec. 2, page 1, line 22, by deleting "The" and inserting:

"2. Except as otherwise provided in section 3 of [this act,] *Senate Bill No. 313 of this session,* the".

Amend sec. 3, page 2, by deleting lines 33 and 34.

Amend sec. 3, page 2, line 35, by deleting "*(c)*" and inserting "(b)".

Amend sec. 3, page 2, line 38, by deleting "[(c)] *(d)*" and inserting "(c)".

Amend sec. 3, page 2, by deleting lines 40 through 42 and inserting: "privileged by statute [.] , *and index them by the names of the parties and the subject matter.*

(d) Review its rules of practice at least once every 6 years and file with the".

Amend sec. 5, page 4, line 4, by deleting: "*decisions in contested cases.*" and inserting "*decisions.*".

Amend sec. 6, page 4, by deleting lines 8 through 36 and inserting:

"Sec. 6. (Deleted by amendment.)".

Amend sec. 8, page 5, by deleting line 15 and inserting:

"*4. Each party and his attorney shall provide their current address at the time of filing any document pursuant to this chapter.* Parties must be notified either personally or by certified mail *at their last known address* of any".

Amend the bill as a whole by adding a new section designated sec. 9, following sec. 8, to read as follows:

"Sec. 9. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 1993.".

Assemblyman Ernaut moved the adoption of the amendment.

Remarks by Assemblyman Ernaut.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 726.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 908.

Amend section 1, page 1, by deleting lines 14 and 15 and inserting: "*sessions for the employees of the carrier or entity. Each employee must be provided at least 3 hours of training during one*".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 758.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 256.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1012.

Amend section 1, page 2, line 13, after "University" by inserting: "and Community College System".

Amend section 1, page 2, line 17, by inserting a comma after "or".

Amend section 1, page 2, line 27, by deleting the comma.

Amend section 1, page 2, between lines 32 and 33, by inserting:

"8. The state board of examiners shall review each contract submitted for approval pursuant to subsection 6 to consider:

(a) Whether sufficient authority exists to expend the money required by the contract; and

(b) Whether the service which is the subject of the contract could be provided by a state agency in a more cost-effective manner.

If the contract submitted for approval continues an existing contractual relationship, the board shall ask each agency to ensure that the state is receiving the services that the contract purports to provide.".

Amend section 1, page 2, line 33, by deleting "*8.*" and inserting "*9.*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Section 1 of this act becomes effective at 12:01 a.m. on October 1, 1993.".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bennett moved that Assembly Bill No. 290 be placed on the General File.

Remarks by Assemblyman Bennett.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 290.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1037.

Amend sec. 2, page 1, line 19, by deleting "$20,000" and inserting "$10,000".

Amend sec. 2, page 1, line 20, by deleting "$20,000" and inserting "$10,000".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Joint Resolution No. 7, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the resolution be further amended as set forth in Conference Amendment No. 4, which is attached to and hereby made a part of this report.

JOSEPH E. DINI, JR.
ROBERT M. SADER
DAVID E. HUMKE
Assembly Committee on Conference

DEAN A. RHOADS
JOSEPH M. NEAL, JR.
ERNEST E. ADLER
Senate Committee on Conference

Conference Amendment No. 4.

Amend the resolution, page 1, line 27, by deleting "five legislators" and inserting: "six legislators composed of three senators and three assemblymen".

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Joint Resolution No. 7.

Remarks by Assemblyman Sader.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 387.

The following Senate amendment was read:

Amendment No. 848.

Amend sec. 24.5, page 14, by deleting lines 26 through 42 and inserting: "*any class and series, if any, that includes provisions pursuant to which only money will be paid or scrip will be issued to stockholders who:*

(a) Before the increase or decrease in the number of shares becomes effective, in the aggregate hold 10 percent or more of the outstanding shares of the affected class and series; and

(b) Would otherwise be entitled to receive fractions of shares in exchange for the cancellation of all of their outstanding shares,

must be approved by the vote of stockholders holding a majority of the voting power of the affected class and series, or such greater proportion as may be provided in the articles of incorporation, regardless of limitations or restrictions on the voting power thereof.

3. Any proposal to increase or decrease the number of authorized shares of any class and series, if any, that includes provisions pursuant to which only money will be paid or scrip will be issued to stockholders who:

(a) Before the increase or decrease in the number of shares becomes effective, hold 1 percent or more of the outstanding shares of the affected class and series; and

(b) Would otherwise be entitled to receive a fraction of a share in exchange for the cancellation of all of their outstanding shares,".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 387.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 33, 175, 207, 209, 393, 465, 576; Senate Bills Nos. 48, 385, 422.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Masters Dominic Dini, Brandon Dini, Joshua Renner, Mss. Tosca Renner, Shanon Renner, Messrs. Tom Renner and Paul Seaman.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Tom Herndon.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Tom Kerns and Ms. Kindra Cusell.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Mary Anderson and Mr. Mike Anderson.

On request of Assemblyman Scherer, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Nicholas Serrano.

Assemblyman Porter moved that the Assembly adjourn until Thursday, June 24, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 1:11 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-EIGHTH DAY

CARSON CITY (Thursday), June 24, 1993

Assembly called to order at 11:11 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Almighty God, in the long course of history and in the great parade of human events, we and what we do here are probably not all that important. Please give us the perspective to feel good about what we do, but humble as we view the whole scope of life. Please be with us in our task. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 211, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 416, 460, 536, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 154, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Senate Bills Nos. 211, 248, 396, 499, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 483, 691, 750, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was re-referred Assembly Bill No. 333, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was re-referred Assembly Bill No. 746, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bills Nos. 303, 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 541, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 23, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 282.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 80.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 551.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Senate Bills Nos. 4, 237, 298, 409, 427, 479, 510, 514, 515.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Joint Resolution No. 7.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 4.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 237.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 298.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 409.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 427.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 479.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 510.

Assemblyman Porter moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 514.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 515.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 551.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 290, 647, 702, 707, 726; Senate Bills Nos. 61, 256, 508 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:20 a.m.

ASSEMBLY IN SESSION

At 12:21 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Joint Resolution No. 41, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bill No. 766; Senate Bills Nos. 435, 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 761, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 723, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 612, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 756, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 24, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 53.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 53.

Assemblyman Marvel moved the adoption of the resolution.

Remarks by Assemblymen Marvel, Spitler, Gibbons, Heller, Price, Humke and Anderson.

Assemblyman Gibbons requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. It is a privilege and honor for me to be able to speak about a person who has been dedicated to the State of Nevada. It is wonderful that Terry is here today, and that we can honor somebody who can smell the flowers while they are here. I have had the opportunity of knowing Terry and his family for a number of years.

As one menacing cowboy to another, I think Terry's main forte is to be a cowboy. I am sure in his afterlife he will probably ride the range. Fortunately, it will be up in my part of the country for a while.

The resolution speaks quite succinctly as to Terry's accomplishments. Terry started out as a stock clerk and is now director of General Services which has been quite an accomplishment. Terry is a survivor, if you will look at the list of governors that he has served under, but even at that, Terry has always had the faculty of being able to speak his piece. I have shared some of his concerns, particularly the capitol complex development. I wish people had taken his advice because things got jumbled up too much. Terry warned about it. Many of us now appreciate where Terry was coming from. Mr. Speaker, it is so nice to be able to honor Terry and his family today. I wish you all the success in the world in retirement, Terry.

ASSEMBLYMAN SPITLER:

Thank you, Mr. Speaker. I, too, rise in support of Senate Concurrent Resolution No. 53. I first met Mr. Sullivan when he testified before Ways and Means in 1991. I always appreciated his truthfulness, honesty and ability to really tell you exactly what was going on. I think we often miss that sort of thing in state government. I appreciate how he taught me how state government worked a little bit better.

As time wore on, I learned a little bit more about his expertise in the world of rodeoing and outdoorsmanship. I can admire him for those things, although I have never accompanied him on any of those journeys. I think he is far too young to be retiring. I think it is a great loss to the state to lose someone so talented. I look forward in anticipation to learn what he is going to be doing. I certainly will continue to respect and honor his contribution to the State of Nevada, particularly to those of us on the Ways and Means Committee. I have appreciated his friendship and continue to look forward to it. Thank you, very much.

ASSEMBLYMAN GIBBONS:

Thank you, Mr. Speaker for the opportunity to rise in support of Senate Concurrent Resolution No. 53 honoring Terry Sullivan. When I think of Terry Sullivan it is hard for me to know where to begin. I have known Terry Sullivan so many years having lived across the street from him for awhile. We have been great friends all these years and have gone hunting. I would at least like to admit to some of the stories about his impeccable honesty and fairness. It does not always hold true especially when we were out hunting. He did shoot my pheasants for me, because he was a better shot.

Terry has done a great deal, not just for the State of Nevada, but for the average person because of his honesty, fairness and impeccable conscientious caring for the people of this state. As someone who has known him for a great number of years, I would trust Terry's comments, decisions, and judgment on a matter without questioning and that is because I know Terry. I know the kind of person he is. I know there was a great deal of debate over the Chippendale chairs in the Supreme Court. After having talked with Terry about that issue, I found out it was in the best interest of the State of Nevada. The quality of that chair and the length of time those chairs would last were in the best interest, although it was not reported that way in the media.

Terry Sullivan, I would like to wish you the best. You have been a great friend. I hope we see you around the State of Nevada for a long time to come. Thank you, Mr. Speaker.

ASSEMBLYMAN HELLER:

Thank you, Mr. Speaker. I, too, rise in support of Senate Concurrent Resolution No. 53. I was reading through this resolution as it fell on my desk this morning. I noticed

Terry has been working for the government in Nevada since I was four months old. That is true dedication from this gentleman. I have known Terry and members of his family for many, many years.

I had the opportunity to work with him when I was in the State Treasurer's Office. He was the director of General Services. Here is a gentleman who received directions from many, many different angles and, yet, he was always very honest and straightforward with me and members of my staff. I, too, want to wish him luck now and in the future. Thank you, Mr. Speaker.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you to this honorable body, it is my pleasure to have the opportunity to speak in support of Senate Concurrent Resolution No. 53 honoring Terry Chip Sullivan. I cannot remember when we first met, but it must have been the first year that I got here in 1975. Terry has always been a hero. I keep his picture on the wall in my office. Any of you can go up and see it. Terry is leading cattle down the trail in Smith Valley. It is a great picture.

Terry represents the epitome of the best of what public employees should be. He has learned his jobs well over the years. He has given guidance to this body and others on decisions that should be made. At the beginning of this session, Terry had the courage to come forward to give guidance to the money committees on reorganization, budgets and so forth, placing himself or, at least, his job to some degree in peril because of opposing the administration. It takes courage to do that. It takes more than courage, I have trouble finding the words, but if we had more of us, and more among us who had the courage to do what is right without regards to our own personal circumstances and consequences, we would have a better state and perhaps a better country. I hope we remain friends for many years. I wish you the best with your retirement, Terry.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I would like to briefly echo the words of the previous speaker in my own way. I have seen Mr. Sullivan across the table in the Ways and Means Committee for a couple of years. He has something that has become a little bit old fashioned, unfortunately, and that is an absolute reputation for veracity at the table. Even though he is under oath, he always tells the truth regardless of the price. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in support of Senate Concurrent Resolution No. 53. When we were standing around waiting for the return of the caucus, we were talking to several members of Mr. Sullivan's family who are here. He wanted to know why we were taking the time from our busy schedule to do this. I know that people ask that very question sitting in this room. It is because of the quality of the life and the quality of the service that Mr. Sullivan has shown to this state that we take this time. For every moment we spend on this resolution, Terry Sullivan has put in days working for the best interests of this state. He is like the quality-cares he has produced for the State of Nevada. He has stood the test of time. His integrity will be here long after his tenure has ended. We are going to be much the less for his caring attitude. Again, having worked with several members of his family on other kinds of programs, Terry comes from good strong stock. Terry has the kind of quality the Sullivans have produced forever. We have been the beneficiary of the Sullivans. I rise in support of this strong resolution.

Resolution adopted unanimously.

Assemblyman Marvel moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:40 p.m.

ASSEMBLY IN SESSION

At 12:42 p.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 781—An Act relating to industrial safety; requiring the approval of the division of enforcement for industrial safety and health of the department of industrial relations to construct certain amusement rides; requiring a permit issued by the division to operate certain amusement rides; providing fees for the issuance of permits and the performance of inspections by the division; providing administrative fines; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Assembly Bill No. 643 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Porter moved that Assembly Bills Nos. 211, 483, 612, 691, 723, 750, 756, 761, 766; Assembly Joint Resolution No. 41; Senate Bills Nos. 154, 211, 248, 303, 396, 416, 435, 444, 456, 460, 499, 536, 541 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 643.

Bill read third time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1077.

Amend section 1, page 1, by deleting lines 1 through 4 and inserting:

"Section 1. 1. For the school year 1994-95, the superintendent of public instruction shall establish, in cooperation with the county school districts and the state apprenticeship council, programs to develop internships in businesses for".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 758.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Assembly Bill No. 758:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 758 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 290.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Assembly Bill No. 290:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 290 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 647.

Bill read third time.

Remarks by Assemblymen McGaughey and Smith.

Roll call on Assembly Bill No. 647:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 647 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 702.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 702:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 702 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 707.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Assembly Bill No. 707:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 707 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 726.

Bill read third time.

Remarks by Assemblyman Chowning.

Roll call on Assembly Bill No. 726:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 726 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 455, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 290, 647, 702, 707, 726, 758; Senate Concurrent Resolution No. 53 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Porter moved that Assembly Bill No. 333 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 455 be placed on the Second Reading File immediately following Assembly Joint Resolution No. 41.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 61.

Bill read third time.

Remarks by Assemblyman Toomin.

Roll call on Senate Bill No. 61:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 61 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Senate Bill No. 243 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 256.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Senate Bill No. 256:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 256 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 508.

Bill read third time.

Remarks by Assemblymen Smith, Spitler and Collins.

Conflict of interest declared by Assemblyman Spitler.

Roll call on Senate Bill No. 508:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 508 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 333.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 698.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 662.245 is hereby amended to read as follows:

662.245 *1.* Except as otherwise specifically provided by statute, [a] *no* banking or other corporation [, unless it is organized under the laws of and has its principal place of business in this state, or is a national banking association which has its principal place of business located within this state, and any] , *and no* officer, employee or agent of such *a* corporation , acting in its behalf, [shall not] *may* be appointed [after July 1, 1971,] to act as [executor, commissioner, guardian of minors or estates, receiver, depositary or trustee under appointment of] *fiduciary by* any court or by authority of any law of this state unless [it associates] , *in addition to any other requirements of law, the banking or other corporation:*

(a) Is organized under the laws of and has its principal place of business in this state;

(b) Is a national banking association which has its principal place of business in this state;

(c) Associates as cofiduciary a banking corporation whose principal place of business is in this state [.] *; or*

(d) Is a national bank, banking corporation, trust corporation or trust company which:

(1) Is organized under the laws of and has its principal place of business in another state which allows banking corporations, trust corporations or trust companies organized under the laws of this state to act as fiduciary;

(2) Is authorized by its charter to act as fiduciary; and

(3) Before the appointment as fiduciary, files with the secretary of state a document, acknowledged before a person authorized to take acknowledgments of deeds, which:

(I) Appoints the secretary of state as its attorney upon whom all process in any action or proceeding against it may be served; and

(II) Contains its agreement that the appointment continues in force as long as any liability remains outstanding against it in this state, and that any process against it which is served on the secretary of state is of the same legal validity as if served on it personally.

A copy of the document required by this subparagraph, certified by the secretary of state, is sufficient evidence of the appointment and agreement.

2. A court with jurisdiction over the accounts of a fiduciary that is a national bank, banking corporation, trust corporation or trust company described in paragraph (d) of subsection 1, may require such a fiduciary to provide a bond to ensure the performance of its duties as fiduciary, in the same manner and to the same extent as the court may require such a bond from a fiduciary that is a banking or other corporation described in paragraph (a) or (b) of subsection 1.

3. As used in this section:

(a) "Fiduciary" means an executor, commissioner, guardian of minors or estates, receiver, depositary or trustee.

(b) "State" means any state or territory of the United States, or the District of Columbia.

Sec. 2. NRS 268.568 is hereby amended to read as follows:

268.568 1. NRS 268.512 to 268.568, inclusive, without reference to other statutes of the state, constitute full authority for the exercise of powers granted in those sections, including, but not limited, to the authorization and issuance of bonds.

2. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts authorized in NRS 268.512 to 268.568, inclusive, to be done, including, without limitation, the charter

of any city, applies to any proceedings taken or acts done pursuant to those sections, except for laws to which reference is expressly made in those sections.

3. The provisions of no other law, either general or local, except as provided in NRS 268.512 to 268.568, inclusive, apply to the doing of the things authorized in NRS 268.512 to 268.568, inclusive, to be done, and no board, agency, bureau, commission or official not designated in those sections has any authority or jurisdiction over the doing of any of the acts authorized in those sections to be done, except as otherwise provided in those sections.

4. No notice, consent or approval by any public body or officer thereof may be required as a prerequisite to the sale or issuance of any bonds, the making of any contract or lease, or the exercise of any other power under NRS 268.512 to 268.568, inclusive, except as provided in those sections.

5. A project is not subject to any requirements relating to public buildings, structures, ground works or improvements imposed by the statutes of this state or any other similar requirements which may be lawfully waived by this section, and any requirement of competitive bidding or other restriction imposed on the procedure for award of contracts for such purpose or the lease, sale or other disposition of property of the cities is not applicable to any action taken pursuant to NRS 268.512 to 268.568, inclusive, except that the provisions of NRS 338.010 to 338.090, inclusive, apply to any contract for new construction, repair or reconstruction for which tentative approval for financing is granted on or after January 1, 1992, by the city for work to be done in a project.

6. Notwithstanding the provisions of NRS 662.245 or any other specific statute to the contrary, any bank or trust company located within or without this state may be appointed and act as a trustee with respect to bonds issued and projects financed pursuant to NRS 268.512 to 268.568, inclusive, without [the necessity of associating with any other person or entity as cofiduciary, except that such association is not prohibited.] *meeting the qualifications set forth in NRS 662.245.*

7. The powers conferred by NRS 268.512 to 268.568, inclusive, are in addition and supplemental to, and not in substitution for, and the limitations imposed by those sections do not affect the powers conferred by any other law.

8. No part of NRS 268.512 to 268.568, inclusive, repeals or affects any other law or part thereof, except to the extent that those sections are inconsistent with any other law, it being intended that those sections provide a separate method of accomplishing its objectives, and not an exclusive one.''.

Amend the title of the bill to read as follows:

''An Act relating to banking; revising the restriction on the appointment of certain corporations organized in other states to act as fiduciaries in this state; and providing other matters properly relating thereto.''.

Amend the summary of the bill to read as follows:

"Summary—Revises restriction on appointment of certain corporations organized in other states to act as fiduciaries in this state. (BDR 55-625)".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 243.

Bill read third time.

Remarks by Assemblymen Anderson and Price.

Roll call on Senate Bill No. 243:

YEAS—38.

NAYS—Toomin.

Absent—Carpenter.

Not voting—Scherer, Mr. Speaker—2.

Senate Bill No. 243 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 24, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 553, 554, 562.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 6, 415, 452, 476.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 29.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 50.

MARY JO MONGELLI
Assistant Secretary of the Senate

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:19 p.m.

ASSEMBLY IN SESSION

At 1:59 p.m.

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN SADER:

Thank you, Mr. Speaker. I would like to make a statement at this time about an incident which occurred about an hour ago. We had a Clark County caucus. I was in attendance because it was an issue that was relevant to Washoe County. At the end of the caucus there was an argument in the halls between one of our members and Mr. Henry Brown, who is

head of the NAACP in northern Nevada. I heard the argument. There was some shouting. At the end of the argument, the Security Guards were asked to escort Mr. Brown out of the building by one of our colleagues. After that occurred, I walked outside and engaged Mr. Brown and spoke to him about the incident. As a result of the conversation, I apologized personally to Mr. Brown. I asked him to please come back in the building. I asked the Security Guards to please cease and desist. I assured him that he was not ejected from the building any longer. He was welcome to come back in. I offered an apology for the incident. I expressed my regret that it occurred. I would like to repeat that now, and I believe I speak for everyone here, I regret the incident occurred. It should not have occurred. Mr. Brown should not have been asked to leave the building and escorted out of the building. Mr. Brown and any representative of the NAACP is welcome in this building as is any other citizen in the State of Nevada. I regret the incident occurred. I wish that the record be clear on this subject.

ASSEMBLYMAN MCGAUGHEY:

Thank you, Mr. Speaker. To you and through you to this house, I am the legislator that was involved in the incident in the hallway about an hour ago. This is the time in these halls when there is great tension and stress, heavy lobbying and so forth for and against issues. I am the one that requested Mr. Brown to be escorted out of the building. I apologize to him and to the NAACP for that. It was something that should never have gone that far. I invite Mr. Brown to come back and participate at any time in these halls. Thank you.

SECOND READING AND AMENDMENT

Assembly Bill No. 211.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 854.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 10, to read as follows:

"Section 1. NRS 449.017 is hereby amended to read as follows:

449.017 1. Except as otherwise provided in subsection 2, "residential facility for groups" means an establishment that furnishes food, shelter, assistance and limited supervision to:

(a) Any [ambulatory] aged, infirm, mentally retarded or handicapped person; or

(b) Four or more females during pregnancy or after delivery.

2. The term does not include:

(a) An establishment which provides care only during the day;

(b) A natural person who provides care for no more than two persons in his own home;

(c) A natural person who provides care for one or more persons related to him within the third degree of consanguinity or affinity; or

(d) A facility funded by the welfare division or the mental hygiene and mental retardation division of the department of human resources.

Sec. 2. NRS 449.035 is hereby amended to read as follows:

449.035 [A] *1. Except as otherwise provided in subsection 2, a* facility for skilled nursing or facility for intermediate care licensed pursuant to the

provisions of NRS 449.001 to 449.240, inclusive, may not be operated except under the supervision of a nursing facility administrator *who is at the facility and* licensed under the provisions of chapter 654 of NRS.

2. The provisions of subsection 1 do not apply to a facility for intermediate care which limits its care and treatment to those persons who are mentally retarded or who have conditions related to mental retardation.

Sec. 3. NRS 449.037 is hereby amended to read as follows:

449.037 1. The board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.001 to 449.240, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.001 to 449.240, inclusive.

2. The board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

which provide care to persons with Alzheimer's disease.

3. The board shall adopt separate regulations for the licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

4. The board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. The board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) The prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the health division regarding the authorized manner of assistance.

7. As used in this section, "rural hospital" means a hospital with 85 or fewer beds which is:

(a) The sole institutional provider of health care located within a county whose population is less than 100,000;

(b) The sole institutional provider of health care located within a city whose population is less than 20,000; or

(c) Maintained and governed pursuant to NRS 450.550 to 450.700, inclusive.

Sec. 4. NRS 453.141 is hereby amended to read as follows:

453.141 "Ultimate user" means a person who lawfully possesses a controlled substance for his own use [,] *or* the use of a member of his household or [the use of any person for whom he is caring, or] for administering to any animal owned by him or by a member of his household. *The term includes the guardian of an ultimate user or any other person authorized in a durable power of attorney to act on the behalf of the ultimate user.* The term does not include *a patient in or* an employee of a [licensed health] *medical* facility , *as defined in NRS 449.0151,* who is not statutorily authorized to administer drugs.

Sec. 5. NRS 453.375 is hereby amended to read as follows:

453.375 A controlled substance may be possessed and administered by the following persons:

1. A practitioner.

2. A physician's assistant at the direction of his supervising physician.

3. A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, *dentist, podiatrist or advanced practitioner of nursing,* or pursuant to a chart order [of individual doses:

(a) From an original container which has been furnished as floor or ward stock;

(b) From a container dispensed by a registered pharmacist pursuant to a prescription or furnished pursuant to a chart order; or

(c) Furnished by a practitioner.

4. In a pharmacy in a correctional institution, a registered nurse licensed to practice professional nursing or a licensed practical nurse, in multiple doses for administration in single doses to prisoners in that institution.] , *may possess and administer a controlled substance furnished for administration to a patient at another location.*

5. An advanced emergency medical technician as authorized by regulation of the state board of health and in accordance with any applicable regulations of the state board of health or a district board of health created pursuant to NRS 439.370.

6. A respiratory therapist, at the direction of a physician.

7. A medical student or student nurse in the course of his studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician or nurse.

A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

8. [A medical intern in the course of his internship.

9.] An ultimate user [as defined in this chapter.

10. A] *or any person whom the ultimate user designates pursuant to a written agreement.*

9. Any person designated by the head of a correctional institution . [which does not contain a pharmacy, but only:

(a) As prescribed and dispensed for an individual prisoner in that institution; and

(b) For issue to that prisoner in single doses.]

10. An animal technician at the direction of his supervising veterinarian.

11. In accordance with applicable regulations of the state board of health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

Sec. 6. NRS 454.00978 is hereby amended to read as follows:

454.00978 "Ultimate user" means a person who lawfully possesses a dangerous drug for his own use [,] *or* the use of a member of his household or [the use of any person for whom he is caring, or] for administering to any animal owned by him or by a member of his household. *The term includes the guardian of an ultimate user or any other person authorized in a durable power of attorney to act on the behalf of the ultimate user.* The term does not include a patient in or an employee of a medical facility, as defined in NRS 449.0151, who is not statutorily authorized to administer drugs.

Sec. 7. NRS 454.213 is hereby amended to read as follows:

454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.

2. *A physician's assistant at the direction of his supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.*

3. A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing [practitioner] *physician, dentist, podiatrist or advanced practitioner of nursing,* or pursuant to a chart order [of individual doses:

(a) From an original container which has been furnished as floor or ward stock;

(b) From a container dispensed by a registered pharmacist pursuant to a chart order or prescription; or

(c) Furnished by a practitioner.

3. A registered nurse licensed to practice professional nursing or a licensed practical nurse, in a pharmacy in a correctional institution, in multiple doses for administration in single doses to prisoners in that institution.

4. A physician's assistant at the direction of his supervising physician.

5.] *, may possess and administer such a drug or medicine furnished for administration to a patient at another location.*

4. An intermediate emergency medical technician or an advanced emergency medical technician, as authorized by regulation of the state board of pharmacy and in accordance with any applicable regulations of the state board of health or a district board of health created pursuant to NRS 439.370.

[6.] *5.* A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

[7.] *6.* A dialysis technician, [at] *under* the direction *or supervision* of a physician or registered nurse [and in accordance with any conditions established by regulation of the board.

8.] *only if the drug or medicine is used for the process of renal dialysis.*

7. A medical student or student nurse in the course of his studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

[9. A medical intern in the course of internship.

10. A]

8. Any person designated by the head of a correctional institution . [which does not contain a pharmacy, but only:

(a) As prescribed and dispensed for an individual prisoner in that institution; and

(b) For issue to that prisoner in single doses.

11.] *9.* An ultimate user [.

12.] *or any person designated by the ultimate user pursuant to a written agreement.*

10. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the board.

[13.] *11.* A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the board.

12. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

13. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

14. In accordance with applicable regulations of the state board of health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

15. An animal technician at the direction of his supervising veterinarian.

Sec. 8. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any records or information obtained during the course of an investigation by the board and any record of the investigation are confidential until the investigation is completed. Upon completion of the investigation the information and records are public records, only if:

(a) Disciplinary action is imposed by the board as a result of the investigation; or

(b) The person regarding whom the investigation was made submits a written request to the board asking that the information and records be made public records.

2. This section does not prevent or prohibit the board from communicating or cooperating with another licensing board or any agency that is investigating a licensee, including a law enforcement agency.

Sec. 9. NRS 632.120 is hereby amended to read as follows:

632.120 1. The board shall:

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to practice professional or practical nursing.

(2) Of professional conduct for the practice of nursing.

(3) For prescribing and dispensing controlled substances and dangerous drugs in accordance with applicable statutes.

(b) Prepare and administer examinations for the issuance of a license under this chapter.

(c) Investigate and determine the eligibility of an applicant for a license under this chapter.

(d) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

2. The board may adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license under this chapter.

(b) Standards for the continuing professional competence of licensees. The board may evaluate licensees periodically for compliance with those standards.

3. The board may adopt regulations establishing a schedule of reasonable fees and charges, in addition to those set forth in NRS 632.345, for:

(a) Investigating licensees and applicants for a license under this chapter;

(b) Evaluating the professional competence of licensees;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the board; and

(e) Surveying, evaluating and accrediting schools of practical nursing, and schools and courses of professional nursing,

and collect the fees established pursuant to this subsection.

4. The board may adopt such regulations, not inconsistent with state or federal law, as may be necessary to carry out the provisions of this chapter relating to nursing assistant trainees and nursing assistants.

5. The board may adopt such other regulations, not inconsistent with law, as are necessary to enable it to administer the provisions of this chapter.

Sec. 10. NRS 632.310 is hereby amended to read as follows:

632.310 *1.* The board may, upon its own motion, and shall, upon the verified complaint in writing of any person, [provided that such a complaint, or such a complaint] *if the complaint alone or* together with evidence, documentary or otherwise, presented in connection therewith, makes out a prima facie case, investigate the actions of any licensee or any person who assumes to act as a licensee within the State of Nevada.

2. The executive director may, upon receipt of information from a governmental agency, conduct an investigation to determine whether the information represents a prima facie case for referral to the board for its consideration.".

Amend the title of the bill to read as follows:

"An Act relating to health care; revising provisions regarding the regulation of certain medical facilities and facilities for the dependent; revising certain provisions regarding persons authorized to possess and administer controlled substances and dangerous drugs; revising certain provisions regarding the state board of nursing; making various other changes; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes regarding provision of health care. (BDR 40-618)".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 483.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 740.

Amend the bill as a whole by deleting sections 1 through 11 and adding new sections designated sections 1 through 8, following the enacting clause, to read as follows:

"Section 1. NRS 489.051 is hereby amended to read as follows:

489.051 "Certificate of compliance" means a certificate issued by this state certifying that the plumbing, heating, electrical systems, body and frame design and construction requirements of a [mobile home or] commercial coach *or the reconstruction or alteration requirements of a mobile home or commercial coach* comply with standards [set] *adopted* by the division . [and applicable at the time of manufacture.]

Sec. 2. NRS 489.110 is hereby amended to read as follows:

489.110 "Label of compliance" means a label permanently attached to [a mobile home or] *:*

1. A commercial coach [at] *upon* the completion of [its construction,] *the construction of the coach; or*

2. A mobile home or commercial coach upon the completion of any reconstruction or alteration of the home or coach,

under the authority of the division which certifies that the mobile home or commercial coach [was manufactured] *is* in compliance with standards adopted by the division.

Sec. 3. NRS 489.241 is hereby amended to read as follows:

489.241 The administrator shall adopt regulations:

1. Consistent with the federal regulations governing procedure and enforcement respecting manufactured homes to administer and enforce federal construction and safety standards respecting manufactured homes in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 et seq.).

2. For the [:

(a) Construction;

(b)] *construction of commercial coaches that are reasonably consistent with nationally recognized standards.*

3. For the:

(a) Reconstruction; and

[(c)] *(b)* Alteration, including that done to a plumbing, heating or electrical system,

of mobile homes and commercial coaches that are reasonably consistent with nationally recognized standards.

[3.] *4.* For the issuance of certificates and labels of compliance. The regulations must provide for, without limitation:

(a) Inspection at the place of manufacture;

(b) Submission and approval of plans and specifications or for the actual inspection and approval of the mobile home, travel trailer or commercial

coach or acceptance of a label of compliance issued by another state or a private organization which the administrator finds has a competent inspection program reasonably consistent with this chapter; and

(c) Revocation for cause, upon notice and hearing, of the right of a manufacturer to sell mobile homes, travel trailers or commercial coaches in this state for use in this state.

[4.] *5.* Consistent with nationally recognized standards governing the minimum requirements for the design of travel trailers.

Sec. 4. NRS 489.451 is hereby amended to read as follows:

489.451 Every [mobile home or] commercial coach which is rented, leased or sold or offered for rent, lease or sale in this state must bear a certificate and label of compliance issued by this state if [:

1. The mobile home was manufactured on or after July 1, 1968, but before June 15, 1976.

2. The] *the* commercial coach was manufactured on or after July 1, 1977.

Sec. 5. NRS 489.541 is hereby amended to read as follows:

489.541 1. [Upon] *Except as otherwise provided in subsection 4, upon* receipt of the documents required by the division, the division shall issue a certificate of ownership.

2. If no security interest is created or exists in connection with the sale, the certificate of ownership must be issued to the buyer.

3. If a security interest is created by the sale, the certificate of ownership must be issued to the secured party or his assignee, and must show the name of the registered owner.

4. The division shall not issue a certificate of ownership for a mobile home that has been determined to be substandard until the conditions that rendered the mobile home substandard are abated.

Sec. 6. NRS 461A.130 is hereby amended to read as follows:

461A.130 Any mobile home which is determined to be substandard by the agency is hereby declared to be a nuisance and [must]*:*

1. Must be abated by repair, demolition or removal [.] *; and*

2. Must not be rented, leased or sold or offered for rent, lease or sale until the nuisance is abated.

Sec. 7. NRS 461A.140 is hereby amended to read as follows:

461A.140 1. When the agency has inspected or caused to be inspected any mobile home and has determined that the mobile home is substandard, proceedings to cause the mobile home to be repaired, vacated or demolished must be commenced.

2. The agency shall issue an order directed to the owner and lienholder of the mobile home and the owner of the land on which the mobile home is located. *If the agency is a city or county, it shall mail a copy of the order to the division.* The order must contain:

(a) The street address and legal description sufficient for identification of the mobile home and premises upon which the mobile home is located [.] *, and the serial number of the mobile home.*

(b) A statement that the agency has found the mobile home to be substandard with a brief and concise description of the conditions found to render the mobile home substandard under the provisions of this chapter.

(c) A statement as follows of the action required to be taken as determined by the agency:

(1) If the agency has determined that the mobile home must be repaired, the order must state that all required permits must be secured and the work physically commenced within 60 days from the date of the order and completed within such time as the agency shall determine is reasonable under all of the circumstances.

(2) If the agency has determined that the mobile home must be vacated, the order must state that the mobile home must be vacated within a certain time [from] *after* the date of the order as determined by the agency to be reasonable.

(3) If the agency has determined that the mobile home must be demolished, the order must state that the mobile home must be vacated within such time as the agency [shall determine] *determines* is reasonable, not to exceed 60 days [from] *after* the date of the order, that all required permits must be secured within 60 days [from] *after* the date of the order, and that the demolition must be completed within such time as the agency [shall determine] *determines* is reasonable.

(d) Statements advising that if any required repair or demolition work, where the mobile home was not required to be vacated, is not commenced within the time specified, the agency will order the mobile home vacated and posted to prevent further occupancy until the work is completed, and may proceed to cause the work to be done and charge the costs of repair as provided by this chapter.

(e) Statements advising that any person having any title or legal interest in the mobile home may appeal from the order or any action of the agency and that the appeal must be made in writing and filed with the agency within 10 days [from] *after* the date of the service of the order and that failure to appeal constitutes a waiver of all rights to an administrative hearing and determination of the matter.

Sec. 8. NRS 461A.210 is hereby amended to read as follows:

461A.210 A notice identifying each mobile home which has been demolished [or dismantled] , *dismantled or the subject of an order issued pursuant to NRS 461A.140,* must be sent to the division within 15 days after *the* demolition [or dismantling.] , *dismantling or completion of all proceedings, including appeals, conducted in connection with the order.* The notice must contain all available evidence of ownership or the certificate of title.''.

Amend the title of the bill to read as follows:

''An Act relating to manufactured housing; prohibiting the rental, leasing or sale of a mobile home which has been declared a nuisance until the nuisance is abated; prohibiting the manufactured housing division of the department of commerce from issuing a certificate of ownership for a mobile home which has been determined to be substandard until the substandard

conditions are abated; eliminating the requirement that certain mobile homes bear certificates and labels of compliance; and providing other matters properly relating thereto.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 612.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1079.

Amend section, page 1, line 2, by deleting "7," and inserting "8,".

Amend sec. 2, page 1, line 6, after "*officers*" by inserting: "*of the association*".

Amend sec. 2, page 1, by deleting lines 8 and 9 and inserting: "*later than the earlier of:*

(a) Sixty days after conveyance of 75 percent of the units that may be created to units' owners other than a declarant, except that if a majority of the units are divided into time shares, the percentage is 80 percent;

(b) Five years after all declarants have ceased to offer units for sale in the ordinary course of business; or

(c) Five years after any right to add new units was last exercised.

A declarant may voluntarily".

Amend sec. 5, page 3, line 16, by deleting "*of*" and inserting "*on*".

Amend sec. 6, page 3, by deleting lines 27 through 29.

Amend sec. 6, page 3, line 30, by deleting "*3.*" and inserting "*2.*".

Amend sec. 6, page 3, line 33, by deleting "*4.*" and inserting "*3.*".

Amend sec. 7, page 3, line 44, by deleting "*otherwise*" and inserting "*and*".

Amend sec. 7, page 4, by deleting lines 1 and 2 and inserting:

"*(b) The holder of a recorded security interest or the purchaser of the unit, if either of them has notified the association,*".

Amend the bill as a whole by deleting sec. 8 and adding a new section designated sec. 8, following sec. 7, to read as follows:

"Sec. 8. *1. In a condominium or planned community:*

(a) Except as otherwise provided in paragraph (b), a judgment for money against the association, if a copy of the docket or an abstract or copy of the judgment is recorded, is not a lien on the common elements, but is a lien in favor of the judgment lien holder against all of the units in the common-interest community at the time the judgment was entered. No other property of a unit owner is subject to the claims of creditors of the association.

(b) If the association has granted a security interest in the common elements to a creditor of the association pursuant to NRS 116.3112, the holder of that security interest shall exercise its right against the common elements before its judgment lien on any unit may be enforced.

(c) Whether perfected before or after the creation of the common-interest community, if a lien, other than a deed of trust or mortgage, including a

judgment lien or lien attributable to work performed or materials supplied before creation of the common-interest community, becomes effective against two or more units, the unit owner of an affected unit may pay to the lien holder the amount of the lien attributable to his unit, and the lien holder, upon receipt of payment, promptly shall deliver a release of the lien covering that unit. The amount of the payment must be proportionate to the ratio which that unit owner's common expense liability bears to the common expense liabilities of all unit owners whose units are subject to the lien. After payment, the association may not assess or have a lien against that unit owner's unit for any portion of the common expenses incurred in connection with that lien.

(d) A judgment against the association must be indexed in the name of the common-interest community and the association and, when so indexed, is notice of the lien against the units.

2. In a cooperative:

(a) If the association receives notice of an impending foreclosure on all or any portion of the association's real estate, the association shall promptly transmit a copy of that notice to each owner of a unit located within the real estate to be foreclosed. Failure of the association to transmit the notice does not affect the validity of the foreclosure.

(b) Whether or not an owner's unit is subject to the claims of the association's creditors, no other property of an owner is subject to those claims.".

Amend the bill as a whole by deleting sec. 10 and inserting:

"Sec. 10. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 12 and inserting:

"Sec. 12. (Deleted by amendment.)".

Amend sec. 13, page 5, line 5, by deleting "*116.1202,*".

Amend sec. 13, page 5, line 11, by deleting "*116.1202,*".

Amend the bill as a whole by deleting sections 14 and 15 and inserting:

"Secs. 14 and 15. (Deleted by amendment.)".

Amend sec. 16, page 5, line 48, by deleting "If" and inserting: "[If]

1. Except as otherwise provided in subsection 2, if".

Amend sec. 16, page 6, by deleting lines 1 through 8 and inserting:

"[1.] *(a)* Contains no more than 12 units and is not subject to any developmental rights; or

[2.] *(b)* Provides, in its declaration, that the annual average liability for common expenses of all units restricted to residential purposes, exclusive of optional users' fees and any insurance premiums paid by the association, may not exceed $500 [, as adjusted pursuant to NRS 116.1115,] *per unit,*".

Amend sec. 16, page 6, by inserting between lines 10 and 11:

"*2. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, NRS 116.3101 to 116.3119, inclusive, and 116.11031 to 116.110393, inclusive, to the extent necessary in construing any of those sections, apply to a residential common-interest community containing more than six units.*".

Amend the bill as a whole by deleting sections 18 through 20 and inserting:

"Secs. 18-20. (Deleted by amendment.)".

Amend sec. 21, pages 7 and 8, by deleting lines 33 through 46 on page 7 and lines 1 through 40 on page 8 and inserting:

"(c) A [legally] sufficient description of the real estate included in the common-interest community;

(d) A statement of the maximum number of units that the declarant reserves the right to create;

(e) In a condominium or planned community, a description of the boundaries of each unit created by the declaration, including the unit's identifying number or, in a cooperative, a description, which may be by plats or plans, of each unit created by the declaration, including the unit's identifying number, its size or number of rooms, and its location within a building if it is within a building containing more than one unit;

(f) A description of any limited common elements, other than those specified in subsections 2 and 4 of NRS 116.2102, as provided in paragraph [(j)] *(g)* of subsection 2 of NRS 116.2109 and, in a planned community, any real estate that is or must become common elements;

(g) A description of any real estate, except real estate subject to developmental rights, that may be allocated subsequently as limited common elements, other than limited common elements specified in subsections 2 and 4 of NRS 116.2102, together with a statement that they may be so allocated;

(h) A description of any developmental rights (NRS 116.11034) and other special declarant's rights (NRS 116.110385) reserved by the declarant, together with a legally sufficient description of the real estate to which each of those rights applies, and a time within which each of those rights must be exercised;

(i) If any developmental right may be exercised with respect to different parcels of real estate at different times, a statement to that effect together with:

(1) Either a statement fixing the boundaries of those portions and regulating the order in which those portions may be subjected to the exercise of each developmental right or a statement that no assurances are made in those regards; and

(2) A statement whether, if any developmental right is exercised in any portion of the real estate subject to that developmental right, that developmental right must be exercised in all or in any other portion of the remainder of that real estate;

(j) Any other conditions or limitations under which the rights described in paragraph (h) may be exercised or will lapse;

(k) An allocation to each unit of the allocated interests in the manner described in NRS 116.2107;

(l) Any restrictions:

(1) On use, occupancy and alienation of the units; and

(2) On the amount for which a unit may be sold or on the amount that may be received by a unit's owner on sale, condemnation or casualty to the unit or to the common-interest community, or on termination of the common-interest community;

(m) The [recording data] *file number and book or other information to show* where easements and licenses are recorded appurtenant to or included in the common-interest community or to which any portion of the common-interest community is or may become subject by virtue of a reservation in the declaration; and

(n) All matters required by NRS 116.2106 to 116.2109, inclusive, 116.2115 and 116.2116 and subsection 4 of NRS 116.3103.

2. The declaration may contain any other matters the declarant considers appropriate.".

Amend sec. 23, pages 9 through 11, by deleting lines 39 through 46 on page 9, lines 1 through 48 on page 10 and lines 1 through 7 on page 11 and inserting: "required for all common-interest communities except cooperatives. [Separate plats and plans are not required by this chapter if all the information required by this section is contained in either a plat or plan.] Each plat and plan must be clear and legible and contain a certification that the plat or plan contains all information required by this section.

2. Each plat must *comply with the provisions of chapter 278 of NRS and* show:

(a) The name and a survey of the area which is the subject of the plat;

(b) [The approximate location and approximate dimensions of all real estate not subject to developmental rights, or subject only to the developmental right to withdraw, and the location and dimensions of all existing improvements within that real estate;

(c) A legally] *A* sufficient description of [any] *the* real estate *;* [subject to developmental rights, labeled to identify the rights applicable to each parcel;

(d)] *(c)* The extent of any encroachments by or upon any portion of the [common-interest community;

(e) To the extent feasible, a legally sufficient description of all easements serving or burdening] *property which is the subject of the plat;*

(d) The location and dimensions of all easements having a specific location and dimension which serve or burden any portion of the common-interest community;

[(f)] *(e)* The location and dimensions of any vertical unit boundaries [not shown or projected on plans recorded pursuant to subsection 4] and that unit's identifying number;

[(g)] *(f)* The location with reference to an established datum of any horizontal unit boundaries not shown or projected on plans recorded pursuant to subsection 4 and that unit's identifying number;

[(h) A legally sufficient description of any real estate in which the units' owners will own only an estate for years, labeled as "leasehold real estate";

(i) The distance between noncontiguous parcels of real estate comprising the common-interest community;

(j)] *and*

(g) The location and dimensions of limited common elements, including porches, balconies and patios, other than parking spaces and the other limited common elements described in subsections 2 and 4 of NRS 116.2102 . [; and

(k) In the case of real estate not subject to developmental rights, all other matters customarily shown on land surveys.

3. A plat may also show the intended location and dimensions of any contemplated improvement to be constructed anywhere within the common-interest community. Any contemplated improvement shown must be labeled either "MUST BE BUILT" or "NEED NOT BE BUILT."

4.] *3.* To the extent not shown or projected on the plats, plans of the units must show or project [:

(a) The location and dimensions of the vertical boundaries of each unit, and that unit's identifying number;

(b) Any horizontal unit boundaries, with reference to an established datum, and that unit's identifying number; and

(c) Any] *any* units in which the declarant has reserved the right to create additional units or common elements (paragraph (h) of subsection 1 of NRS 116.2105), identified appropriately.

[5.] *4.* Unless the declaration provides otherwise, the horizontal boundaries of part of a unit located outside a building have the same elevation as the horizontal boundaries of the inside part and need not be depicted on the plats and plans [.] *of the units.*

5. A declarant shall also provide a plan of development for the common-interest community with its initial phase of development. The declarant shall revise the plan of development with each subsequent phase. The plan of development may show the intended location and dimensions of any contemplated improvement to be constructed anywhere within the common-interest community. Any contemplated improvement shown must be labeled either "MUST BE BUILT" or "NEED NOT BE BUILT." The plan of development must also show or project:

(a) The location and dimensions of all real estate not subject to developmental rights, or subject only to the developmental right to withdraw, and the location and dimensions of all existing improvements within that real estate;

(b) A sufficient description of any real estate subject to developmental rights, labeled to identify the rights applicable to each parcel; and

(c) A sufficient description of any real estate in which the units' owners will own only an estate for years, labeled as "leasehold real estate."

6. Upon exercising any developmental right, the declarant shall record [either] new *or amended* plats [and plans] necessary to conform to the requirements of [subsections 1, 2 and 4 or new certifications of plats and plans previously recorded if those plats and] *subsection 2 and provide new or amended plans of the units and a new or amended plan of development or new certifications of those plans if the* plans otherwise conform to the requirements of [those subsections.

7. A declarant shall provide a general schematic plan of the planned unit development comprising its common-interest community with its initial phase of development. The declarant shall revise the plan with each subsequent phase.

8.] *subsections 3 and 5.*

7. Each plat must be certified by an independent professional land surveyor. [Each plan] *The plans of the units* must be certified by an independent professional engineer or architect. *If the plan of development is not certified by an independent professional land surveyor or an independent professional engineer or architect, it must be acknowledged by the declarant.*".

Amend sec. 24, page 11, line 9, by deleting "*1.*".

Amend sec. 24, page 11, by deleting line 11 and inserting: "community only if the declaration so provides . [and specifies the rights of a".

Amend sec. 24, page 11, line 17, by inserting a closed bracket after "declaration.".

Amend sec. 24, page 11, by deleting line 21.

Amend sec. 25, page 11, by deleting lines 43 through 48 and inserting: "of this chapter, no amendment may [create or increase special declarant's rights, increase the number of units,] change the boundaries of any unit, [change] the allocated interests of a unit or [change] the uses to which any unit is restricted, in the absence of unanimous consent of the units' owners affected and the consent of a majority of the owners of the remaining units.".

Amend the bill as whole by deleting sections 28 and 29 and inserting:

"Secs. 28 and 29. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 30 and inserting a new section, designated sec. 30, following sec. 29, to read as follows:

"Sec. 30. NRS 116.2122 is hereby amended to read as follows:

116.2122 In a planned community, if the right is originally reserved in the declaration, the declarant, in addition to any other developmental right, may amend the declaration at any time during as many years as are specified in the declaration for adding additional real estate to the planned community without describing the location of that real estate in the original declaration; but the amount of real estate added to the planned community pursuant to this section may not exceed 10 percent of the real estate described in paragraph (c) of subsection 1 of NRS 116.2105 and the declarant may not in any event increase the number of units in the planned community beyond the number stated in the original declaration pursuant to paragraph [(e)] *(d)* of that subsection.".

Amend sec. 37, page 21, lines 7 and 8, by deleting "*otherwise*" and inserting "*and*".

Amend sec. 41, page 23, by deleting lines 21 through 24 and inserting:

"(g) Disposition of a unit in a planned community in which the declaration limits the [maximum] *average* annual assessment of any unit to not more than [$300, as adjusted pursuant to NRS 116.1115] *$500 and which contains no more than 35 units* if:".

Amend the bill as a whole by adding a new section, designated sec. 41.5, following sec. 41, to read as follows:

"Sec. 41.5. NRS 116.4102 is hereby amended to read as follows:

116.4102 1. Except as otherwise provided in subsection 2, a declarant, before offering any interest in a unit to the public, shall prepare a public offering statement conforming to the requirements of NRS 116.4103 to 116.4106, inclusive.

2. A declarant may transfer responsibility for preparation of all or a part of the public offering statement to a successor declarant (NRS 116.3104 and 116.31043) or to a dealer who intends to offer units in the common-interest community. In the event of any such transfer, the transferor shall provide the transferee with any information necessary to enable the transferee to fulfill the requirements of subsection 1.

3. Any declarant or dealer who offers a unit to a purchaser shall deliver a public offering statement in the manner prescribed in subsection 1 of NRS 116.4108. The [person who prepared all or a part of the public offering statement] *declarant or his transferee under subsection 2* is liable under NRS 116.4108 and 116.4117 for any false or misleading statement set forth therein or for any omission of a material fact therefrom with respect to that portion of the public offering statement which he prepared. If a declarant *or dealer* did not prepare any part of a public offering statement that he delivers, he is not liable for any false or misleading statement set forth therein or for any omission of a material fact therefrom unless he had actual knowledge of the statement or omission or, in the exercise of reasonable care, should have known of the statement or omission.

4. If a unit is part of a common-interest community and is part of any other real estate in connection with the sale of which the delivery of a public offering statement is required under the laws of this state, a single public offering statement conforming to the requirements of NRS 116.4103 to 116.4106, inclusive, as those requirements relate to the real estate in which the unit is located, and to any other requirements imposed under the laws of this state, may be prepared and delivered in lieu of providing two or more public offering statements. *If the requirements of this chapter conflict with those of another law of this state, the requirements of this chapter prevail.*".

Amend sec. 42, page 24, by deleting line 16 and inserting: "inspected the unit, [that] the purchaser may cancel, by".

Amend sec. 42, page 24, line 17, by deleting "the contract" and inserting: "[the] *his* contract".

Amend sec. 43, page 24, by deleting lines 33 through 35 and inserting: "116.41035 if a common-interest community composed of not more than 12 units is not subject to any developmental rights and no power is".

Amend sec. 44, page 24, lines 46 and 47, by deleting: "[,] *or a model of the unit,*" and inserting ",".

Amend sec. 44, page 25, line 2, after "the contract" by inserting "*for purchase*".

Amend sec. 44, page 25, by deleting line 16 and inserting: "mon-interest community.] *to actual damages, rescission or other relief, but if the purchaser has accepted a conveyance of the unit, he is not entitled to rescission.*".

Amend sec. 45, page 25, by deleting lines 39 through 42 and inserting: "whichever first occurs.] *If the association fails to furnish the certificate within the 10 days allowed by subsection 2, the seller is not liable for the delinquent assessment.*".

Amend the bill as a whole by deleting sec. 46 and inserting a new section, designated sec. 46, to read as follows:

"Sec. 46. NRS 116.4110 is hereby amended to read as follows:

116.4110 [Any]

1. Except as otherwise provided in subsection 2, a deposit made in connection with the purchase or reservation of a unit from a person required to deliver a public offering statement pursuant to subsection 3 of NRS 116.4102 must be placed in escrow and held either in this state or in the state where the unit is located in an account designated solely for that purpose by a licensed title insurance company, an independent bonded escrow company, or an institution whose accounts are insured by a governmental agency or instrumentality until:

[1.] *(a)* Delivered to the declarant at closing;

[2.] *(b)* Delivered to the declarant because of the purchaser's default under a contract to purchase the unit; or

[3.] *(c)* Refunded to the purchaser.

2. A deposit or advance payment made for an additional item, improvement, optional item or alteration may be deposited in escrow or delivered directly to the declarant, as the parties may contract.".

Amend sec. 48, page 26, line 27, by deleting the open bracket.

Amend sec. 48, page 26, line 28, by deleting "as" and inserting "[as".

Amend the bill as a whole by deleting sections 49 through 57 and renumbering sec. 58 as sec. 49.

Amend sec. 58, page 30, line 19, by deleting: "116.1208 and 116.3111" and inserting: "116.110365 and 116.11037".

Amend the text of repealed sections by deleting the text of NRS 116.1208 and 116.3111 and adding the text of NRS 116.110365 and 116.11037.

Amend the title of the bill by deleting the second and third lines and inserting: "ship Act; and providing other matters properly".

Amend the summary of the bill to read as follows:

"Summary—Revises Uniform Common-Interest Ownership Act. (BDR 10-479)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 691.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 799.

Amend section 1, page 1, by deleting line 3 and inserting: "chapter 630, 630A or 633 of NRS, dentist, licensed nurse, dispens-".

Amend section 1, page 1, line 4, after "[podiatrist,]" by inserting "*podiatric physician,*".

Amend the bill as a whole by renumbering sections 2 through 4 as sections 3 through 5 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 630.275 is hereby amended to read as follows:

630.275 The board shall adopt regulations regarding the certification of a physician's assistant, including , but not limited to:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of certificates.
4. The tests or examinations of applicants by the board.
5. The medical services which a physician's assistant may perform, except that he may not perform those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, [podiatrists] *podiatric physicians* and optometrists under chapters 631, 634, 635 and 636, respectively, of NRS, or as hearing aid specialists.
6. The duration, renewal and termination of certificates.
7. The grounds and procedures respecting disciplinary actions against physicians' assistants.
8. The supervision of medical services of a physician's assistant by a supervising physician.".

Amend sec. 2, page 1, by deleting lines 14 and 15 and inserting: "under the care of a licensed physician, a licensed dentist or a licensed [podiatrist.] *podiatric physician.*".

Amend sec. 3, page 1, by deleting lines 20 and 21 and inserting: "nursing, a licensed physician, a licensed dentist or a licensed [podiatrist,] *podiatric physician,* not requiring the substantial specialized skill, judgment and knowledge".

Amend sec. 4, page 2, by deleting lines 3 and 4 and inserting: "of nursing, a licensed physician, a licensed dentist or a licensed [podiatrist,] *podiatric physician,* requiring substantial specialized judgment and skill based on".

Amend the bill as a whole by renumbering sec. 5 as sec. 7 and adding a new section designated sec. 6, following sec. 4, to read as follows:

"Sec. 6. NRS 632.235 is hereby amended to read as follows:

632.235 A registered nurse may perform such acts, under emergency or other special conditions prescribed by regulations adopted by the board, which include special training, as are recognized by the medical and nursing professions as proper to be performed by a registered nurse under those conditions, even though the acts might otherwise be considered diagnosis and prescription, but nothing in this chapter authorizes registered nurses to perform those functions and duties specifically delegated by law to persons licensed as dentists, [podiatrists,] *podiatric physicians,* optometrists or chiropractors.".

Amend sec. 5, page 2, line 13, after "[podiatrist,]" by inserting "*podiatric physician,*".

Amend the bill as a whole by renumbering sections 6 through 8 as sections 21 through 23 and adding new sections designated sections 8 through 20, following sec. 5, to read as follows:

"Sec. 8. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

A person who is licensed to practice podiatry pursuant to this chapter may use any title which describes the profession, including, without limitation, "D.P.M.," "Podiatrist," "Podiatric Physician," "Podiatric Physician-Surgeon" or "Physician-Surgeon D.P.M."

Sec. 9. NRS 635.010 is hereby amended to read as follows:

635.010 As used in this chapter, unless the context otherwise requires:

1. "Board" means the state board of podiatry.

2. "Podiatry" is the diagnosis, prevention and treatment of ailments of the human foot and leg.

3. "Podiatry hygienist" means a person engaged in assisting a [podiatrist.] *podiatric physician.*

Sec. 10. NRS 635.020 is hereby amended to read as follows:

635.020 1. The state board of podiatry, consisting of five members appointed by the governor, is hereby created.

2. The governor shall appoint:

(a) Four members who are licensed [podiatrists] *podiatric physicians* in the State of Nevada.

(b) One member who is a representative of the general public.

3. The members of the board are entitled to receive:

(a) A salary of not more than $80 per day, as fixed by the board, while engaged in the business of the board; and

(b) A per diem allowance and travel expenses at a rate fixed by the board, while engaged in the business of the board. The rate must not exceed the rate provided for state officers and employees generally.

4. While engaged in the business of the board, each employee of the board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the board. The rate must not exceed the rate provided for state officers and employees generally.

5. The member who is a representative of the general public shall not participate in preparing, conducting or grading any examination required by the board.

Sec. 11. NRS 635.050 is hereby amended to read as follows:

635.050 1. Any person desiring to practice podiatry in this state must furnish the board with satisfactory proof that he:

(a) Is of good moral character.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has received the degree of D.P.M. (Doctor of Podiatric Medicine) from an accredited school of podiatry.

(d) Has completed a residency or an internship which consisted of at least 1 year of practical experience under the direction of a licensed [podiatrist.] *podiatric physician.*

(e) Has passed the examination given by the National Board of Podiatry Examiners.

2. Upon payment of a fee, not exceeding $600, which must be established by regulation of the board, and the presentation of satisfactory proof as required by subsection 1, the applicant is entitled to be examined by the board or a committee thereof under such regulations as the board may adopt.

3. The board may reject an application if it appears that the applicant's credentials are fraudulent or he has practiced podiatry without a license to do so.

4. The board may require such further documentation or proof of qualification as it may deem proper.

Sec. 12. NRS 635.060 is hereby amended to read as follows:

635.060 1. The board shall hold at least one examination each year to examine applicants under this chapter. The board shall establish the time and place for the examination.

2. The board shall provide such books, blanks and forms as may be necessary to conduct the examination.

3. The examination for licensure under this chapter must be in the English language, written, oral or clinical, as the board may determine. The examination for [podiatrists] *podiatric physicians* may include the following subjects: Anesthesia and medications, bacteriology, clinical podiatry, dermatology, diagnosis and treatment, laboratory, neurology, orthopedics, pathology, pharmacology, including pharmacodynamics and materia medica, sterilization and sterile technique, surgery, surgical anatomy, X-ray, and such other subjects pertaining to the treatment of the foot and leg as the board may determine.

4. The board shall establish by regulation the requirements for passing the examination.

Sec. 13. NRS 635.082 is hereby amended to read as follows:

635.082 1. A graduate of an accredited school of podiatry may, during his residency, internship or preceptorship, be granted a temporary license to practice podiatry under the direct supervision of a licensed [podiatrist.] *podiatric physician.* A temporary license must not be effective for more than 1 year and is not renewable.

2. An applicant for a temporary license must furnish the board with satisfactory proof that he:

(a) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(b) Has received the degree of D.P.M. (Doctor of Podiatric Medicine) from an accredited school of podiatry.

(c) Has passed the examination given by the National Board of Podiatry Examiners.

3. Upon payment of a fee, not exceeding $600, which must be established by regulation of the board, and the presentation of satisfactory proof as required by subsection 2, an applicant is entitled to be examined by the board or a committee thereof under such regulations as the board may adopt.

4. The board may by regulation govern the issuance and conditions of the temporary license.

Sec. 14. NRS 635.085 is hereby amended to read as follows:

635.085 1. Except as otherwise provided in subsection 2, a [podiatrist] *podiatric physician* licensed by the board may:

(a) Administer electricity to the foot or leg by means including electrodes, machinery and rays.

(b) Use his hands and machinery to work upon the foot or leg and its articulations.

(c) Apply any mechanical appliance to the foot or leg or in the shoe to treat any disease, deformity or ailment.

(d) Apply pads, adhesives, felt, plasters and any medicine to the foot and leg.

(e) Prescribe and dispense controlled substances and dangerous drugs.

(f) Construct models of the feet.

(g) Administer a local anesthetic.

(h) Use any cutting instrument to treat a disease, ailment or condition.

(i) Treat the effects of a systemic disease upon the foot or leg.

2. A [podiatrist] *podiatric physician* shall not:

(a) Treat any other effect of a systemic disease unless the disease originates in the foot or leg.

(b) Amputate a leg, foot or toe.

Sec. 15. NRS 635.093 is hereby amended to read as follows:

635.093 1. Any person desiring to be licensed as a podiatry hygienist in this state must furnish the board with satisfactory proof that he:

(a) Is of good moral character.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has satisfactorily completed a course for podiatry hygienists approved by the board or has had 6 months or more of training in a [podiatrist's] *podiatric physician's* office as approved by the board.

2. Upon payment of a fee, not exceeding $100, which must be established by regulation of the board, and presenting satisfactory proof as required by subsection 1, an applicant, not exempted under subsection 3, must be examined by the board or a committee thereof under such regulations as the board may adopt.

3. The board may, without examination, admit to practice as a podiatry hygienist a person who is employed by a [podiatrist] *podiatric physician* and is:

(a) A registered nurse; or

(b) A licensed practical nurse whom the board or any of its members have interviewed and observed in the use of practical skills.

Sec. 16. NRS 635.097 is hereby amended to read as follows:

635.097 The holder of a valid and active license to practice as a podiatry hygienist may be employed as a podiatry hygienist in this state only in the office of a licensed [podiatrist.] *podiatric physician.*

Sec. 17. NRS 635.098 is hereby amended to read as follows:

635.098 1. Any podiatry hygienist in the employ and under the direction of a [podiatrist] *podiatric physician* may:

(a) Apply orthopedic padding.

(b) Administer to patients by means of physiotherapeutic equipment.

(c) Make up surgical packs.

(d) Strap and cast for orthopedic appliances.

(e) Take and develop X-rays.

(f) Assist in foot surgery.

(g) Administer oral medications.

2. The board may require that every podiatry hygienist have a general knowledge of sterile techniques, aseptic maintenance of surgery rooms, emergency treatments, podiatric nomenclature and podiatric surgical procedure.

Sec. 18. NRS 635.110 is hereby amended to read as follows:

635.110 1. A license issued under the provisions of this chapter expires on October 31 of each year. A license may be renewed before its expiration upon presentation of proof of:

(a) Completion of the hours of continuing education required pursuant to NRS 635.115;

(b) Current certification in the techniques of administering cardiopulmonary resuscitation; and

(c) Payment of a renewal fee in an amount not to exceed $600 for a [podiatrist] *podiatric physician* and not to exceed $100 for a podiatry hygienist. The board shall by regulation establish the amount of each fee.

2. A license which is not renewed by October 31 of each year is delinquent. A delinquent license may be reinstated, at the discretion of the board, upon payment of the appropriate annual renewal fee and an additional annual fee for delinquency in an amount established by the board.

Sec. 19. NRS 635.115 is hereby amended to read as follows:

635.115 1. Every even-numbered year each [podiatrist] *podiatric physician* must, at the time of paying the annual renewal fee, present to the secretary of the board satisfactory evidence that during the preceding 2 years he attended at least 50 hours of instruction in courses approved by the board for purposes of continuing professional education and is currently certified in the techniques of administering cardiopulmonary resuscitation. The board may waive all or part of the requirement of continuing education in a particular year if the [podiatrist] *podiatric physician* was prevented from that attendance by circumstances beyond his control.

2. If a [podiatrist] *podiatric physician* fails to provide proof of his continuing education and does not obtain a waiver from the board, his license must not be renewed.

Sec. 20. NRS 635.130 is hereby amended to read as follows:

635.130 1. The board, after notice and hearing, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:

(a) Refuse to renew a license.

(b) Suspend or revoke a license.

(c) Place a licensee on probation.

(d) Impose a fine not to exceed $5,000.

(e) Require the licensee to pay all costs incurred by the board relating to the discipline of the licensee.

2. The board may take disciplinary action against a licensee for any of the following causes:

(a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure under this chapter.

(b) Lending the use of the holder's name to an unlicensed person.

(c) If the holder is a [podiatrist,] *podiatric physician,* his permitting an unlicensed person in his employ to practice as a podiatry hygienist.

(d) Habitual indulgence in the use of alcohol or any controlled substance which impairs the intellect and judgment to such an extent as in the opinion of the board incapacitates the holder in the performance of his professional duties.

(e) Conviction of a crime involving moral turpitude.

(f) Conviction of violating any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of [this act.] *Senate Bill No. 316 of this session.*

(g) Conduct which in the opinion of the board disqualifies him to practice with safety to the public.

(h) The commission of fraud by or on behalf of the licensee regarding his license or practice.

(i) Gross incompetency.

(j) Affliction of the licensee with any mental or physical disorder which seriously impairs his competence as a [podiatrist] *podiatric physician* or podiatry hygienist.

(k) False representation by or on behalf of the licensee regarding his practice.

(l) Unethical or unprofessional conduct.

(m) Willful or repeated violations of this chapter or regulations adopted by the board.

(n) Willful violation of the regulations adopted by the state board of pharmacy.".

Amend sec. 6, page 3, line 4, by deleting "podiatrist" and inserting: "[podiatrist] *podiatric physician*".

Amend sec. 6, page 3, line 8, by deleting "podiatrist's" and inserting: "[podiatrist's] *podiatric physician's*".

Amend sec. 6, page 3, by deleting line 11 and inserting: " *"Podiatrist," "Podiatric Physician," Podiatric Physician-Surgeon" or "Physician-Surgeon D.P.M."* when".

Amend sec. 7, page 3, by deleting line 30 and inserting: " *"Podiatric Physician," "Podiatric Physician-Surgeon" or "Physician-Surgeon D.P.M."* when not licensed".

Amend sec. 8, page 3, by deleting line 36 and inserting:

"1. A physician, dentist, veterinarian or [podiatrist] *podiatric physician* who".

Amend the bill as a whole by deleting sec. 9 and renumbering sections 10 through 33 as sections 24 through 47.

Amend sec. 10, page 4, by deleting line 43 and inserting: "licensed under chapter 630 or 633 of NRS, dentist, registered".

Amend sec. 10, page 4, line 45, after "trist]" by inserting "*podiatric physician,*".

Amend sec. 11, page 5, line 9, after "[podiatrist,]" by inserting "*podiatric physician,*".

Amend sec. 12, page 5, line 31, after "[podiatrist,]" by inserting "*podiatric physician,*".

Amend sec. 13, page 6, line 36, after "[podiatrist,]" by inserting "*podiatric physician,*".

Amend sec. 13, page 7, by deleting lines 37 and 38 and inserting:

"(1) Any component of the University and Community College System of Nevada and used for any purpose related to the system.".

Amend sec. 14, page 8, by deleting line 12 and inserting:

"(2) Furnished by a licensed physician, dentist or [podiatrist] *podiatric physician*".

Amend sec. 14, page 8, by deleting line 15 and inserting: "order of a licensed physician, dentist or [podiatrist;] *podiatric physician;* or".

Amend sec. 14, page 8, by deleting line 16 and inserting:

"(4) Sold to a licensed physician, dentist, [podiatrist] *podiatric physician* or hospital for the".

Amend sec. 15, page 9, line 2, after "atrist,]" by inserting "*podiatric physician,*".

Amend sec. 16, page 9, lines 42 and 43 by deleting: "of Nevada System." and inserting: "and Community College System of Nevada.".

Amend sec. 16, page 9, line 46, after "[podiatrist,]" by inserting "*podiatric physician,*".

Amend sec. 17, page 10, by deleting line 30 and inserting: "issued by a physician, [podiatrist] *podiatric physician* or dentist;".

Amend sec. 18, page 11, by deleting line 25 and inserting: "630A or 633 of NRS, dentist, licensed nurse, dispensing optician,".

Amend sec. 18, page 11, line 26, after "[podiatrist,]" by inserting "*podiatric physician,*".

Amend sec. 19, page 11, line 34, by deleting the open bracket.

Amend sec. 19, page 11, by deleting lines 35 and 36 and inserting: "[podiatrist,] *podiatric physician,* or on the written or oral order of a physician, dentist or [podiatrist] *podiatric physician* authorizing the administration of a drug to the patient.".

Amend sec. 20, page 11, by deleting line 46 and inserting: "packaging or labeling of a substance by a physician, dentist, [podiatrist] *podiatric physician* or".

Amend sec. 21, page 12, by deleting line 7 and inserting:

"1. A physician, dentist, veterinarian or [podiatrist] *podiatric physician* who".

Amend sec. 22, page 12, by deleting line 25 and inserting: "directly from a physician, dentist, [podiatrist] *podiatric physician* or veterinarian, or his agent,".

Amend sec. 23, page 13, by deleting line 8 and inserting: "pursuant to a lawful order of a physician, dentist, [podiatrist] *podiatric physician* or veterinarian".

Amend sec. 24, page 13, line 21, by deleting the open bracket.

Amend sec. 24, page 13, line 22, by deleting "podiatrist]" and inserting: "[podiatrist] *podiatric physician*".

Amend sec. 25, page 14, line 33, after "["podiatrist,"]" by inserting "*"podiatric physician"* ".

Amend sec. 26, page 14, by deleting line 39 and inserting: "physician, dentist or [podiatrist] *podiatric physician* may prescribe or administer".

Amend sec. 26, page 15, by deleting line 5 and inserting: "professional practice of a physician, dentist, [podiatrist] *podiatric physician* or veterinarian.".

Amend sec. 26, page 15, by deleting line 6 and inserting:

"5. Any person who has obtained from a physician, dentist, [podiatrist] *podiatric physician* or".

Amend sec. 26, page 15, by deleting line 8 and inserting: "the absence of the physician, dentist, [podiatrist] *podiatric physician* or veterinarian shall return".

Amend sec. 27, page 15, by deleting line 22 and inserting: "tion issued to such person by a physician, [podiatrist] *podiatric physician* or dentist.".

Amend sec. 28, page 15, line 35, after "["podiatrist,"]" by inserting "*"podiatric physician,"* ".

Amend sec. 29, page 15, by deleting line 40 and inserting:

"1. A physician, dentist, veterinarian or [podiatrist] *podiatric physician* who".

Amend sec. 30, page 16, by deleting line 11 and inserting: "a prescription issued to the person by a physician, [podiatrist] *podiatric physician* or dentist.".

Amend sec. 31, page 16, by deleting line 27 and inserting: "issued to [the person] *him* by a physician, [podiatrist] *podiatric physician* or dentist.".

Amend sec. 32, page 16, line 32, by deleting "physician" and inserting "physician,".

Amend sec. 32, page 16, by deleting line 33 and inserting: "[podiatrist] *podiatric physician* or dentist; or".

Amend sec. 33, page 16, by deleting line 42 and inserting:

"(a) Pursuant to prescription by a dentist, [podiatrist] *podiatric physician* or veterinarian".

Amend the bill as a whole by adding a new section designated sec. 48, following sec. 33, to read as follows:

"Sec. 48. Section 20 of this act becomes effective at 12:01 a.m. on October 1, 1993.".

Amend the title of the bill to read as follows:

"An Act relating to podiatry; revising the designation of podiatric physicians; authorizing the use of certain titles by such physicians; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to podiatric physicians. (BDR 54-1974)".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 723.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1078.

Amend section 1, pages 1 and 2, by deleting lines 14 through 17 on page 1 and lines 1 and 2 on page 2 and inserting: "*same as those established for state employees.*".

Amend the bill as a whole by deleting sections 2 through 4 and adding new sections designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. 1. On or before September 1, 1994, the committee on benefits shall, for the fiscal year ending June 30, 1994, review the history of claims paid for officers and employees, other than retired employees, who participate in the state's program of group insurance pursuant to subsection 2 of NRS 287.043.

2. Based on the review, the committee shall, on or before October 1, 1994, determine the actuarially appropriate rates to be paid for those officers and employees as a condition of their participation in the program. Upon making the determination, the committee shall compare the rates so determined with the rates established by the committee for state employees.

3. On or before October 15, 1994, the committee shall publicly announce the difference, if any, between the rates determined pursuant to subsection 2 and the rates established by the committee for state employees.

Sec. 3. 1. This section and section 2 of this act become effective on July 1, 1993.

2. Section 1 of this act becomes effective on January 1, 1995, only if the difference announced pursuant to subsection 3 of section 2 of this act is 5 percent or less.".

Amend the title of the bill to read as follows:

"An Act relating to group insurance for public employees; requiring under certain circumstances the same rates and coverage for participating public agencies as are established for state employees; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Government Affairs.

Assembly Bill No. 750.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1090.

Amend sec. 3, page 1, by deleting lines 8 and 9 and inserting:

"*3. The term does not include a bank or other depository institution, an escrow company, a title insurer, an agent licensed pursuant to chapter 692A of NRS or its subsidiaries or employees.*".

Amend sec. 4, page 2, line 20, by deleting: "*one officer or employee*" and inserting: "*every officer and director*".

Amend sec. 10, page 4, line 30, by deleting "January" and inserting "July".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 756.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 761.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 766.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 41.

Resolution read second time, ordered engrossed and to third reading.

Assembly Bill No. 455.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1106.

Amend the bill as a whole by deleting sections 1 through 8 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 247 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A creditor who files a lien or notice of lien upon real property shall also file at the same time an affidavit stating:

(a) The full name of the debtor;

(b) The full mailing address of the debtor;

(c) The debtor's driver's license number and state of issuance or the debtor's social security number; and

(d) The debtor's date of birth,

if known to the creditor. If any of the identifying information is not known, the affidavit must so state.

2. If a creditor fails to file the affidavit, or the affidavit contains incorrect information, and it is afterward established that the owner of the real property was not the person indebted to the creditor filing the lien, the owner may recover from the purported creditor any related damages suffered by the owner, and the owner's costs of suit and actual attorney's fee.".

Amend the bill as a whole by renumbering sections 9 and 10 as sections 2 and 3.

Amend sec. 9, page 4, by deleting lines 11 through 18 and inserting:

"*For the filing of an affidavit to accompany a lien or notice of lien upon real property..... 2.00*".

Amend sec. 9, page 4, line 29, by deleting the brackets.

Amend sec. 9, page 4, by deleting lines 31 through 33 and inserting: "the state pursuant to NRS 37.060.".

Amend sec. 10, page 4, line 45, by deleting "9" and inserting "2".

Amend the title of the bill to read as follows:

"An Act relating to liens; requiring the filing of certain identifying information to accompany a lien or notice of lien; and providing other matters properly relating thereto.".

Amend the summary of the bill to read follows:

"Summary—Requires sworn identification to accompany lien. (BDR 20-720)".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 154.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 980.

Amend section 1, page 1, line 15, by deleting: "100,000 or more," and inserting: "[100,000 or more,] *less than 400,000,*".

Amend section 1, page 1, line 21, by deleting "[300] *500*" and inserting "300".

Amend section 1, page 2, by deleting line 6, and inserting:

"*4. If the proposed amendment involves a change in the boundary of a zoning district in a county whose population is 400,000 or more, the governing body shall, to the extent this notice does not duplicate the notice required by subsection 2, cause a notice to be sent by mail at least 10 days before the hearing to:*

(a) The applicant;

(b) Each owner, as listed on the county assessor's records, of real property located within 500 feet from the portion of the boundary being changed;

(c) Each owner, as listed on the county assessor's records, of at least 30 parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given pursuant to paragraph (b); and

(d) Any advisory board which has been established for the affected area by the governing body.

The notice must be written in language which is easy to understand. It must set forth the time, place and purpose of the hearing and a physical description of, or a map detailing, the proposed change.

5. The exterior of the notice mailed pursuant to subsection 4 must bear a".

Amend section 1, page 2, by deleting line 12 and inserting:

"*6. In addition to mailing the notice required pursuant to subsection 4, in a*".

Amend section 1, page 2, line 15, by deleting "*a* " and inserting: "*at least one*".

Amend section 1, page 2, by deleting line 27 and inserting:

"*7. A sign required pursuant to subsection 6 is for informational purposes*".

Amend section 1, page 2, line 30, by deleting "*7.*" and inserting "*8.*".

Amend section 1, page 2, line 33, by deleting: "*the sign required by subsection 5,*" and inserting: "*not more than one of the signs required by subsection 6,*".

Amend section 1, page 2, by deleting lines 35 through 37 and inserting:

"*9. The governing body shall remove or cause to be removed any sign required by subsection 6 within 5 days after the hearing for which the sign was erected. There must be no additional charge to the applicant for such removal.*".

Amend sec. 2, page 3, by deleting lines 17 through 19 and inserting: "listed on the county assessor's records, of at least 30 parcels nearest to the property in question.".

Amend sec. 2, page 3, by deleting lines 23 through 28.

Amend sec. 2, page 3, line 29, by deleting "*5.*" and inserting "4.".

Amend sec. 2, page 3, by deleting lines 32 and 33 and inserting:

"*5. In a county whose population is 400,000 or more, if the application is for the issuance of a special use permit for an establishment which serves alcoholic beverages for consumption on or off of the premises as its primary business in a district which is not a gaming enterprise district as defined in NRS 463.0158, the governing body shall, in addition to mailing the notice required pursuant to subsection 3, not*".

Amend sec. 2, page 3, line 35, by deleting "*a*" and inserting: "*at least one*".

Amend sec. 2, page 3, line 39, after "*use*" by inserting: "*and zoning designation*".

Amend sec. 2, page 3, line 41, after "*hearing;*" by inserting "*and*".

Amend sec. 2, page 3, by deleting lines 43 through 46 and inserting: "*additional information.*".

Amend sec. 2, page 4, by deleting line 1 and inserting:

"*6. A sign required pursuant to subsection 5 is for informational purposes*".

Amend sec. 2, page 4, line 4, by deleting "*8.*" and inserting "7.".

Amend sec. 2, page 4, by deleting lines 5 and 6 and inserting: "*a special use permit to cover the actual costs resulting from the erection of not more than one sign required by subsection 5,*".

Amend sec. 2, page 4, by deleting lines 9 through 11 and inserting:

"*8. The governing body shall remove or cause to be removed any sign required by subsection 5 within 5 days after the hearing for which the sign was erected. There must be no additional charge to the applicant for such removal.*".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 211.

Bill read second time and ordered to third reading.

Senate Bill No. 248.

Bill read second time and ordered to third reading.

Senate Bill No. 303.

Bill read second time and ordered to third reading.

Senate Bill No. 396.

Bill read second time and ordered to third reading.

Senate Bill No. 416.

Bill read second time and ordered to third reading.

Senate Bill No. 435.

Bill read second time and ordered to third reading.

Senate Bill No. 444.

Bill read second time and ordered to third reading.

Senate Bill No. 456.

Bill read second time and ordered to third reading.

Senate Bill No. 460.

Bill read second time and ordered to third reading.

Senate Bill No. 499.

Bill read second time and ordered to third reading.

Senate Bill No. 536.

Bill read second time and ordered to third reading.

Senate Bill No. 541.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 1089.

Amend section 1, page 1, line 6, after "*By*" and inserting "*dry*".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that Assembly Bill No. 177 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Garner.

Motion carried.

Senate Joint Resolution No. 29:

Assemblyman Porter moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Concurrent Resolution No. 50:

Assemblyman Porter moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 6.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 415.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 452.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 476.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 553.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 554.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 562.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 177.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 971.

Amend sec. 32, page 10, by deleting lines 21 through 31 and inserting: "final maps, each covering a portion of the approved tentative map, within 1 year or within successive 1-year periods after the date of approval of the tentative map.

[2.] *(b)* If the subdivider fails to record a final map for any portion of the tentative map within 1 year after the date of approval of the tentative map, or within 1 year after the date of approval of the most recently recorded final map, all proceedings concerning the subdivision are terminated.

[3.] *(c)* The governing body or planning commission may grant an extension of not more than 1 year for the presentation of any final map after the 1-year period for presenting the entire final map or next successive".

Amend sec. 32, page 10, by deleting lines 35 and 36 and inserting: "*than those imposed on each of the final maps in the series may be placed on the map when an extension of time is granted unless the requirement is directly attributable to a*".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 746 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 746.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1006.

Amend sec. 12, page 7, lines 39 and 40, by deleting: "[It] *The board*" and inserting: "If the board receives a report pursuant to subsection 5 of section 237 of [this act,] *Senate Bill No. 316 of this session,* such a hearing must be held within 30 days after receiving the report. The board".

Amend the bill as a whole by renumbering sec. 13 as sec. 14 and adding a new section designated sec. 13, following sec. 12, to read as follows:

"Sec. 13. Section 250.5 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 250.5. NRS 630.305 is hereby amended to read as follows:

630.305 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Directly or indirectly receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation which is intended or tends to influence the physician's objective evaluation or treatment of a patient.

2. Dividing a fee between licensees except where the patient is informed of the division of fees and the division of fees is made in proportion to the services personally performed and the responsibility assumed by each licensee.

3. Referring a patient to any medical laboratory in which the licensee has a financial interest unless the laboratory is operated solely in connection with the diagnosis and treatment of his own patients [.] *pursuant to NRS 652.235.*

4. Referring an injured employee to a health facility in [which the licensee has a financial interest unless he first discloses that interest pursuant to] *violation of* NRS 616.690.

5. Charging for visits to the physician's office which did not occur or for services which were not rendered or documented in the records of the patient.

6. Aiding, assisting, employing or advising, directly or indirectly, any unlicensed person to engage in the practice of medicine contrary to the provisions of this chapter or the regulations of the board.

7. Delegating responsibility for the care of a patient to a person when the licensee knows, or has reason to know, that this person is not qualified to undertake that responsibility.

8. Failing to disclose to a patient any financial or other conflict of interest.

9. Failing to initiate the performance of public service within 1 year after the date the public service is required to begin, if the public service was imposed as a requirement of the licensee's receiving loans or scholarships from the Federal Government or a state or local government for his medical education.

10. Failing to repay, in accordance with the terms of the loan, any direct loan or loan which is insured or guaranteed by the Federal Government or a state or local government which the licensee received to finance all or any part of his medical education.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 387, 522, 538; Assembly Resolutions No. 10, 11; Senate Bills Nos. 195, 238, 239, 280.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Leola Armstrong, Marilyn Cervantes, C. J. Hadley, Anita Sullivan, Florence Shroeder, Barbara Raven, Messrs. Terry Sulllivan, Ed Hollingsworth, Mike Meizel and Flio Martinez.

Assemblyman Porter moved that the Assembly adjourn until Friday, June 25, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 2:34 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-NINTH DAY

CARSON CITY (Friday), June 25, 1993

Assembly called to order at 11:13 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

With me today is a guide dog in training. Father, please show us when we are blind. Guide us. Help us see. Convince us how frequently we, too, need to be trained. May we learn obedience and patience at Your hand, and may we learn love. In the Name of our Lord. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was re-referred Assembly Bill No. 773, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 358, 629, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 60, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Concurrent Resolution No. 79, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bills Nos. 229, 347, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 24, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 440.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 108, 139.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Lowden, Brown and McGinness as a first Committee on Conference concerning Senate Bill No. 201.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 25, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 54.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 177, 211, 333, 455, 483, 612, 643, 691, 746, 750 be placed at the top of the General File.

Motion carried.

Assemblyman Porter moved that Senate Bills Nos. 154, 541 be placed on the General File.

Motion carried.

Assemblyman Freeman moved that Senate Joint Resolution No. 15 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Freeman.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 782—An Act relating to state government; providing for the reorganization of the executive department of state government; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 440.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 79.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

Senate Concurrent Resolution No. 54.

Assemblyman Augustine moved the adoption of the resolution.

Remarks by Assemblymen Augustine, Price, Humke, Myrna Williams, Evans, Freeman and Scherer.

Resolution adopted unanimously.

By Assemblymen Chowning, Bache, Wendell Williams, Regan, Segerblom, de Braga, Freeman, Sader, Schneider, Garner, Smith, Lambert, Anderson, Haller, Tiffany, Scherer, Gibbons, Toomin, Kenny, Ernaut, Neighbors, Petrak, Bonaventura, Bennett, Hettrick, Augustine, Porter, Marvel, Gregory, Evans, McGaughey, Spitler, Collins, Price, Perkins, Heller, Arberry, Humke, Giunchigliani, Dini, Myrna Williams and Carpenter:

Assembly Concurrent Resolution No. 81—Honoring former Assemblyman from Clark County, James J. Banner.

WHEREAS, James J. Banner was born on September 1, 1921, in Laverne, California; and

WHEREAS, Jim Banner attended Virgin Valley Grammar School and Las Vegas High School, and graduated from the University of Nevada, Las Vegas, with a Bachelor of Science Degree in business administration; and

WHEREAS, During World War II, Jim Banner served his country in the United States Navy; and

WHEREAS, Jim Banner became a certified journeyman carpenter, and worked 16 years as a carpenter in the Southern Nevada area; and

WHEREAS, Jim Banner has been a member of the Fred S. Pennington Post, VFW, the American Legion Post No. 8 and Chapter 11 of DAV; and

WHEREAS, Jim Banner was a business representative for carpenters Local No. 1780, Las Vegas, from 1959 to 1963, was appointed by Governor Grant Sawyer to the Nevada Industrial Commission for Labor from 1963 to 1967, and was employed by Clark County as personnel analyst, personnel officer, chief labor negotiator and risk management officer; and

WHEREAS, In 1972, Jim Banner was elected to the Nevada Legislature as Assemblyman from Clark County, and he served in this capacity for nine regular sessions and two special sessions until 1989; and

WHEREAS, Assemblyman James J. Banner was a strong advocate for Nevada workers and a protector of the rights of the people of his district and of the entire state, compiling a 100 percent voting record during eight of the nine regular sessions in his exemplary legislative career; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature extend their heartfelt appreciation to James J. Banner for his lifetime of contributions and dedicated service to his community, the State of Nevada and the United States of America; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to James J. Banner.

Assemblyman Chowning moved the adoption of the resolution.

Remarks by Assemblymen Chowning, Myrna Williams, Bache, Marvel, Spitler, Humke, Price, Evans, Garner, Giunchigliani and Mr. Speaker.

Assemblyman Chowning requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CHOWNING:

Thank you, Mr. Speaker. It is my honor and extreme pleasure today to honor former Assemblyman James J. Banner. I happen to have the privilege of having this person who served the State of Nevada for over 30 years as my constituent. I say that for all of you

who know him with a smile, because having Jim Banner as your constituent also means that you hear from him a lot, and you receive a lot of advice, all very well-intended, but a lot of advice. All of it I am very grateful for, and hopefully it makes me a better Assembly representative.

We are very honored to have his daughter, Nancy, with us today. I think this is the first time we have done this this session. I have been nudging him, trying to get him up here all session so that we could do this with him here, but his health is not the greatest right now, so we have him on the phone so he is able to listen. I asked his daughter, Nancy, some things about Jim, why he wanted to be an Assemblyman, and she said it was because he is proud of Nevada. He wanted to make Nevada a better place for its future. These are words that we can all live by. There are some things that are not in the resolution that I want you all to know. He lost his wife, Alice, this last year. They had a very loving relationship in a marriage of 44 years. They built their home together. They homesteaded the land, and they have lived in this same home for 40 years. They are the proud parents of four children, Joe, Jackie, Susan and Nancy, and grandparents of two grandchildren in Pocatello, Idaho.

Some things that everybody who knows Jim might remember are his famous Banner potholders. When I went walking door to door, I was asked, "And where's the pot-holder?" Fortunately, Chowning has potholders also, or I probably would not be here. Also, people remember his signs. He made all of his own signs in his woodshop in the garage, and they are in the shape of a banner.

He was a proud graduate of Nevada Southern University, now the University of Nevada at Las Vegas, and he is also very proud to say that there are five UNLV graduates in his family. He went back to school after ten years of night education and received his degree in business administration. And that is one thing that he is really, really proud of.

I asked Paul May, who served in this body longer than Jim did, but alongside of him a good deal of that time, what he wanted to say about Jim. He said something that he could teach us all was a lesson on how to be a good legislator, to be really smart and use our time efficiently. Jim, instead of trying to bite the whole apple at once, took 22 bills, and instead of putting them in all at once, he got a little bit passed every time. Now that is good work.

I asked former Governor, the Honorable Grant Sawyer, if he wanted to add some words, and he did. He said that Jim was the deputy of Clarence Heckathorn at the Nevada Industrial Commission for Labor. He did a great job while he was at the helm. He represented all parties impartially and fairly, and the State of Nevada owes him a debt of gratitude.

I would really like to encourage you to welcome Nancy today, and Jim, we know you are on the phone, and we want to tell you, "Thanks, buddy."

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I rise in support of Assembly Concurrent Resolution No. 81. Jim Banner is a unique person. A few minutes ago, I talked about having had the pleasure of knowing all six governors who attended "A Gathering of Governors." Well, I first met Jim Banner when he was working as a result of an appointment by Grant Sawyer. He is a warm and caring person. I remember my first session up here, we both lived at the Mother Lode, which is now the Carson Station. We were on the same floor. For those who were here during that session and the following session, clearly they knew that I was kind of klutzy. I turned my ankle the first session, two ankles the second session. But Jim was right there, helping and assisting me just as he helped and assisted everyone. Sometimes we would get up very early in the morning and go down to have breakfast together. Without fail, the conversation was about Alice or about his daughters. I would talk to him about women's issues and he would say, "Well, I'm going to have to do that, or my daughters will kill me." And he meant it, he meant it. He loved going to Pocatello. He loved driving there, and he loved his grandchildren, and he still does. We love Jim, and we miss him. We really miss him, and we wish Jim, if you are listening, we wish you were here with us now.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. I rise in support of Assembly Concurrent Resolution No. 81. I have a special relationship with Mr. Banner. Jim was my Assemblyman from the time I

moved here in 1977 until I decided to run myself in 1990, upon his retirement. During all that time, I always had those banner shaped yard signs in my yard, and Jim always took care of his constituents in a very special way. If I had a problem, let's say, where I needed a little carpentry work, I would call up Jim and he would tell me what to do or help me with the job himself, if necessary. Jim has a very special place in my heart. One thing, as it was mentioned in the resolution, he had a 100 percent voting record for eight consecutive sessions. That was over 5,000 some votes. He did not break his string until 1989 when he broke his collarbone at the beginning of the session. Thank you, very much.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Concurrent Resolution No. 81. The Speaker, the chairman of Taxation and I probably worked with Jim longer than anyone here. And one thing I can say is that Jim Banner was Jim Banner. He did not put on any airs, but he was a great legislator. He certainly understood the labor issues and was perhaps the greatest student of industrial insurance I have ever had the opportunity to serve with. I think one of the most memorable events was how Jim practically killed the open container law with one statement. He would not deny Alice from "poppin' a can while we're on our way to Idaho." I think that was the one classic remark that made the open container law go down in smoke. Jim I hope you are listening, because Willie and I truly miss you, and we are very, very sorry about Alice. We have missed her, too.

ASSEMBLYMAN SPITLER:

Thank you, Mr. Speaker. It is a real pleasure for me to stand up in support of this resolution today. You know, we really have a tremendous person in Mr. Banner. He loves his family, he loves Nevada, and he is missed and respected in these chambers, also. I was thinking back, with all the work that was achieved in workers' compensation laws this particular session, and he almost single handedly had written every law that we had in Nevada. When you look at that collective legislative history, it is something that we certainly miss today. I was privileged to work with him in a different capacity in 1985, 1987 and 1989, but he also became a friend to me afterwards, and I have appreciated that friendship. Even when I was out walking door to door, and I represented a district not close to Mr. Banner's, I got asked, "Where's my potholder?" So, I miss him today, I wish he was here with us, but we certainly do respect him, and I am certainly glad to be able to support this resolution.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I, too, rise to support Assembly Concurrent Resolution No. 81. I do not know if Jim holds the all-time record for a continuous string in terms of a voting record, not missing a vote. If he does, then this is appropriate. I would call him "the Lou Gehrig of the Nevada Legislature." He deserves this title because he was so workman-like, like that great ball player. He did not have to have a lot of credit for things that he got done or when things went right. He just quietly did his job, and I think it has been attested to, he represented his district in a very tenacious and stubborn way. I remember sitting on this floor and listening to him speak about a constituent—just one person, just an average Joe out there—who had a problem, and Jim would find a way to solve that legislatively. He was just such a simple and basic and genuine guy. I cannot think of an enemy that the guy has, or had. I also do not recall anyone who probably worked as hard as he did. Occasionally, when I would have to be here early for an early committee, I never recall getting here earlier than Jim Banner did on any legislative date. He is just a wonderful guy, and Jim, thanks a lot.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. Hello there, Jim. I am really glad I can say what I think about Jim Banner, and he is 400 miles away because I do not want him to look embarrassed when we say all those wonderful things. I had the pleasure, of course, of first meeting Jim in relationship to our union activities before I joined this honorable body. Once I got here and started learning from the old-timers and Jim about how to conduct yourself and try to get something done. He was and still is one of my idols. Of course, as has been mentioned, the one area we all looked to Jim for was in the industrial insurance because

he was a former commissioner and he knew so much, and still does, I presume. One particular thing that is available to injured workers today, that I happened to witness, brought about by his efforts was the state now provides workers, and has since Jim's bill, with an attorney. We were sitting in, I suppose, Judiciary or Government Affairs, one of the committees, one day on a SIIS bill and Jim had put this particular proposal before this body. I, and I think others, did not think it would go anywhere. With Jim's vast knowledge of the system, the director at that point in time lied before the committee, and Jim was able to pick up on it immediately. It outraged this body, and Jim's bill went sailing through both houses. It was with that kind of knowledge and tenaciousness that things were made easier and more appropriate for people who were hurt on the job. Of course, his expertise and feeling for his fellow Nevadans extended far beyond just those subject matters. I am so glad that we are finally having the opportunity to recognize him for the great legislator that he was. I am really sorry he cannot be here, but I am happy that he is listening and that Nancy is with us. Take care of yourself there, Jim.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I am pleased to be able to rise in support of Assembly Concurrent Resolution No. 81. It was in 1981, the first time I met Mr. Banner, and I am proud to say I was able to serve two other terms with him as a colleague. What I will remember most about Jim, in addition to his remark on the open container law alluded to by my colleague from Battle Mountain, is that he was very much a mentor and a teacher. I know that it is popular in some circles these days to talk about term limitations and turning people over in elected office rather quickly, but because he served here so long, had such institutional memory, Jim was wonderful about giving you the history and background on an issue. Sometimes it is hard to look at a bill and say, "Where's this coming from, or why are we doing this?" And he was always right there to answer your questions and sort of fill you in and let you know what it was all about. So Jim, it was great serving with you. Sorry you cannot be with us today. Do come see us when you can. We wish you the best.

ASSEMBLYMAN GARNER:

Thank you, Mr. Speaker. I rise in support of Assembly Concurrent Resolution No. 81 and to express my appreciation to my good friend Jimmy Banner for all the years of public service he has given to the citizens of this great state. I have enjoyed the number of stories that he has told me personally. He always projected himself as being a humble little guy from Virgin Valley High School. He graduated from there, but I think it is appropriate to know that he always figured he had a pretty close race if he got anything less than 80 or 85 percent in the election. I consider Mr. Banner to be one of the premier legislators that has served here in this body, and I think we owe him a debt of gratitude for all this service. I want to express to him that we miss him and his wife, Alice, as well. Thank you, very much.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. My colleague from Sparks mentioned that Mr. Banner could be a teacher as well as his wife Alice was, and I have to admit that my husband used to use Jimmy Banner as one of our trainers for political campaigns. Jim would always come in with his little wooden tool box, but it really was not a tool box, it was a box that carried his potholders and his walking list and his pens and pencils and water bottle, and everything you ever needed to have when you were out on the road. He would show those of us how to approach a door, in fact he helped build a door, and we used that for knocking. We would have somebody role play behind it, and Jim would come up to the door and show us as new-time candidates how to do that. So, Jimmy, for someone who loves to go door to door, I owe that to you.

The other thing that I want to thank you for is for showing me, as chair of Labor and Management, how to try to balance the issues between labor and management. I may not always be successful, but you told me to make sure you always listen to both sides of an issue. It is still your vote, but I appreciate those words of advice. I do want to thank you for the notes and the calls during all this time during SIIS because you wrote the law. We

did lead a good fight to try to stop from destroying SIIS, and it's not over till it's over. I may call on you again after the session for some advice on how to work on some of the language.

The other thing I remember when I had to lobby as a teacher, and I would always come up to Jim, and I would say, "How do you stand on this bill?" and he would say—just like he always did with the girls on women's issues, got to talk to my daughter—she would say, "Alice is a teacher, and Alice will kill me if I don't support this!" So, I always got that message.

And the final thing is, Jimmy, thank you for helping Gary and me remodel the kitchen. We decided to make a curved ceiling and we could not figure out how to do it, so we went to Jimmy. He basically built an arch for us, showed us how to cut in, and we still owe you dinner in the kitchen. So whenever we get home, Jim, we will have you over so you can enjoy it. Thank you, very much.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I think I would be remiss if I did not say a couple of words. Jim, it is nice to be able to talk to you over the phone. Our relationship was from 1973 until you retired. Jim was a tenacious man working here for his principles and his purpose, but he also was a great technician and a mechanic. There are different kinds of legislators. Some make great speeches, some do a lot of wandering around raising heck. Jim was the kind of quiet guy that just did the work and wrote good bills and knew what it meant after we adopted them. We certainly miss his expertise and the technical aspects of him being here at the legislature.

Jim and I, of course, had a few rocky roads at various times in our relationship, I guess maybe because we had different viewpoints about certain issues, but we were always friends. I certainly miss him being here, and I am certainly very remorseful about his loss of Alice.

Resolution adopted unanimously.

Assemblyman Chowning moved that all rules be suspended and that Assembly Concurrent Resolution No. 81 be immediately transmitted to the Senate.

Motion carried unanimously.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:56 a.m.

ASSEMBLY IN SESSION

At 11:57 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 454, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 752, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Elections and Procedures.

WENDELL P. WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wendell Williams moved that Assembly Bill No. 404 be re-referred to the Committee on Elections and Procedures.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 177.

Bill read third time.

Remarks by Assemblymen Bennett, Sader, McGaughey and Collins.

Roll call on Assembly Bill No. 177:

YEAS—38.

NAYS—Ernaut, Gibbons, Porter—3.

Absent—Carpenter.

Assembly Bill No. 177 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 211.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Bill No. 211:

YEAS—40.

NAYS—Augustine.

Absent—Carpenter.

Assembly Bill No. 211 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 333.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Bill No. 333:

YEAS—40.

NAYS—None.

Absent—Carpenter.

Not voting—Heller.

Assembly Bill No. 333 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 455.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Bill No. 455:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 455 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 483.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 483:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 483 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 612.

Bill read third time.

Remarks by Assemblyman Sader.

Roll call on Assembly Bill No. 612:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 612 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 643.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 643:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 643 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 691.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Assembly Bill No. 691:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 691 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 746.

Bill read third time.

Remarks by Assemblyman Heller.

Roll call on Assembly Bill No. 746:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 746 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 750.

Bill read third time.

Remarks by Assemblymen Hettrick and Chowning.

Conflict of interest declared by Assemblyman Chowning.

Roll call on Assembly Bill No. 750:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 750 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 756.

Bill read third time.

Remarks by Assemblymen Porter, Giunchigliani and Collins.

Roll call on Assembly Bill No. 756:

YEAS—31.

NAYS—Anderson, Collins, Evans, Freeman, Gibbons, Giunchigliani, Price, Smith, Myrna Williams—9.

Absent—Carpenter.

Not voting—Heller.

Assembly Bill No. 756 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 761.

Bill read third time.

Remarks by Assemblyman Wendell Williams.

Roll call on Assembly Bill No. 761:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 761 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 766.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 766:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 766 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 41.

Resolution read third time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1109.

Amend the resolution, page 1, lines 23 and 24, by deleting: "Secretary of the Senate" and inserting: "Chief Clerk of the Assembly".

Assemblyman Tiffany moved the adoption of the amendment.

Remarks by Assemblyman Tiffany.

Amendment adopted.

Assemblyman Myrna Williams moved that Assembly Joint Resolution No. 41 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Myrna Williams.

Motion carried.

Resolution ordered reprinted, re-engrossed and to Chief Clerk's desk.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 177, 211, 333, 455, 483, 612, 643, 691, 746, 750, 756, 761, 766; Assembly Concurrent Resolution No. 79; Senate Concurrent Resolution No. 54 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Porter moved that Assembly Bills Nos. 358, 629, 752; Senate Bills Nos. 60, 229, 347, 454 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Ernaut moved that Assembly Bill No. 295 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Ernaut.

Motion carried.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:41 p.m.

ASSEMBLY IN SESSION

At 1:11 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Government Affairs.

GENE T. PORTER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 474 be re-referred to the Committee on Government Affairs.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 773 be placed at the top of the General File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 25, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 490.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 19, 268, 376, 461.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 2 of the 66th Session.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 51.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 2 of the 66th Session:

Assemblyman Porter moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

Senate Concurrent Resolution No. 51:

Assemblyman Porter moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 19.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 268.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 376.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 461.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 490.

Assemblyman Porter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 358.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1110.

Amend the bill as a whole by deleting sections 1 through 15 and the text of the repealed section and adding new sections designated sections 1 through 21, following the enacting clause, to read as follows:

"Section 1. Title 52 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 21, inclusive, of this act.

Sec. 2. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 11, inclusive, of this act, have the meanings ascribed to them in those sections.

Sec. 3. 1. "Adverse action" includes:

(a) The denial of, increase in any charge for or reduction in the amount of insurance for personal, family or household purposes;

(b) The denial of employment or any other decision for employment purposes that adversely affects a current or prospective employee; and

(c) An action or determination with respect to a consumer's application for credit that is adverse to the interests of the consumer.

2. The term does not include:

(a) A refusal to extend additional credit under an existing credit arrangement if:

(1) The applicant is delinquent or otherwise in default with respect to the arrangement; or

(2) The additional credit would exceed a previously established credit limit; or

(b) A refusal or failure at the point of sale to authorize a specific transaction on an existing account.

Sec. 4. "Commissioner" means the commissioner of consumer affairs.

Sec. 5. "Consumer" means a person who uses economic goods.

Sec. 6. "Consumer credit" means credit granted to a natural person to finance the purchase of goods that directly satisfy human wants or to defray personal or family expenses.

Sec. 7. 1. "Consumer report" means any communication, written or oral, by a reporting agency regarding the payment history of a particular consumer, including information regarding his credit worthiness, credit standing or credit capacity, which is intended for present or future use in whole or in part to serve as a factor in determining the consumer's eligibility for:

(a) Credit or insurance to be used primarily for personal, family or household purposes;

(b) Purposes relating to employment; or

(c) Any other purpose authorized pursuant to 15 U.S.C. § 1681 et seq.

2. The term does not include:

(a) A report containing information solely as to transactions or experiences between the consumer and the person making the report;

(b) An authorization or approval of a specific extension of credit directly or indirectly by the issuer of a credit card or similar device;

(c) A report in which a person who has been requested by a third party to make a specific extension of credit directly or indirectly to a consumer conveys his decision with respect to the request, if the third party advises the consumer of the name and address of the person to whom the request was made and the person makes the disclosures required pursuant to section 18 of this act;

(d) A report solely conveying a decision whether to guarantee a check in response to a request by a third party; or

(e) A report created or issued by or to a person licensed pursuant to chapter 463 of NRS relating to any extension of credit by the licensee.

Sec. 8. "File" includes all of the information on the consumer which is recorded and retained by a reporting agency regardless of how the information is stored.

Sec. 9. "Medical information" means information or records relating to medical treatment or condition which is obtained from a licensed provider of health care or medical facility.

Sec. 10. "Person" includes a governmental entity.

Sec. 11. 1. "Reporting agency" means a person who, for fees, dues or on a cooperative nonprofit basis, regularly engages in whole or in part in the business of assembling or evaluating information regarding the credit of or other information regarding consumers to furnish consumer reports to third parties, regardless of the means or facility of commerce used to prepare or furnish the consumer reports.

2. The term does not include:

(a) A person solely for the reason that he conveys a decision regarding whether to guarantee a check in response to a request by a third party;

(b) A person who obtains or creates a consumer report and provides the report or information contained in it to a subsidiary or affiliate; or

(c) A person licensed pursuant to chapter 463 of NRS.

Sec. 12. A reporting agency:

1. Shall include with any written disclosure to a consumer a summary of his rights under this chapter.

2. Shall not include medical information in its files.

3. Shall include in any consumer report information concerning a consumer's delinquency in paying support for a child, to the extent that this information is provided in a format acceptable to the reporting agency by the welfare division of the department of human resources or from the district attorney of the county in which the consumer resides or resided when the delinquency occurred.

Sec. 13. A person shall not procure a consumer report to resell or disclose the report or the information contained in the report unless the person discloses to the reporting agency which originally furnished the report:

1. The identity of the intended ultimate user of the report or information; and

2. The only purposes for which the information will be used.

Sec. 14. Upon request and information sufficient to identify a consumer, a reporting agency shall:

1. Clearly and accurately disclose to the consumer the nature and substance of the consumer report in its files which relates to him at the time of the request, and disclose the names of the institutional sources of information. If the consumer requests, the reporting agency shall provide a readable copy of the consumer report.

2. Disclose the name of each person who has received from the reporting agency information concerning him:

(a) Within the preceding 2 years for purposes of employment, promotion, reassignment or retention as an employee; or

(b) Within the preceding 6 months for any other purpose.

Sec. 15. 1. A reporting agency may furnish information concerning a consumer for an extension of credit which he did not initiate only if:

(a) The contemplated transaction represents a firm offer of credit to those consumers who meet specific criteria determined by the person; or

(b) He has not requested that his name and address be excluded from any list to be provided for such a purpose.

2. This section does not prohibit a reporting agency from furnishing information to review an account or collect an account if there is an existing business relationship or the account has been assigned to a third party for collection.

3. As used in this section, "firm offer of credit" means an offer of credit based on the information provided by the reporting agency, either directly to the creditor or through a third party, that cannot be rescinded or changed by

the creditor unless the information provided by the reporting agency has materially changed as of the time the creditor received the accepted offer and the creditor is able to revoke the accepted offer or renew the offer on different terms.

Sec. 16. A reporting agency shall periodically purge from its files and after purging shall not disclose:

1. Bankruptcies whose dates of adjudication precede the report by more than 10 years. A report of adjudication must include, if known, the chapter of Title 11 of the United States Code under which the case arose.

2. Except as otherwise provided by a specific statute, any other civil judgment, a report of criminal proceedings, or other adverse information which precedes the report by more than 7 years.

Sec. 17. 1. If a consumer disputes the accuracy of any information in the files of a reporting agency which relates to him, and the reporting agency is made aware of the dispute by him, the reporting agency shall, within 5 business days after becoming aware of the dispute, notify any institutional sources of the information and, as soon as is reasonably possible but not later than 30 days, complete a reinvestigation of the accuracy of the information unless the dispute is determined by the reporting agency to be frivolous or irrelevant.

2. If the reporting agency concludes that the dispute is frivolous or irrelevant, it shall so notify the consumer. If it determines that the information is incorrect or can no longer be verified, it shall correct its files accordingly and notify the consumer.

3. No information deleted pursuant to this section may be reinserted unless:

(a) The person furnishing the information uses reasonable procedures to ensure the maximum possible accuracy of the information; and

(b) The reporting agency notifies the consumer within 5 business days after the reinsertion and offers him the opportunity to add to its file his own brief statement disputing or adding to the information.

Sec. 18. If a person takes adverse action with respect to a consumer which is based on a consumer report from a reporting agency, the person shall:

1. Notify the consumer of the action taken;

2. Furnish him with the name and address of the reporting agency; and

3. Inform him of his right to obtain a copy of the consumer report from the agency.

Sec. 19. 1. The provisions of this chapter must be administered by the commissioner of consumer affairs.

2. The attorney general shall provide opinions for the commissioner on all questions of law relating to the construction, interpretation or administration of this chapter.

3. The attorney general shall represent the division in any action or proceeding brought by or against the commissioner pursuant to any of the provisions of this chapter.

Sec. 20. If a reporting agency or user of information willfully fails to comply with any provision of this chapter with respect to any consumer, the reporting agency is liable to that consumer in an amount equal to the sum of:

1. Any actual damages sustained by the consumer as a result of the violation;

2. Such amount of punitive damages as the court may allow; and

3. The costs of the action plus reasonable attorney's fees.

Sec. 21. A reporting agency or user of information which negligently fails to comply with any provision of this chapter with respect to any consumer is liable to that consumer in an amount equal to the sum of:

1. Any actual damages sustained by the consumer as a result of the violation; and

2. The costs of the action plus reasonable attorney's fees.".

Amend the title of the bill, first and second lines, by deleting: "borrowers and potential borrowers;" and inserting "consumer credit;".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 629.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1101.

Amend section 1, page 1, by deleting line 6 and inserting:

"*(a) Solicits* loans in this state [and, in connection therewith,] *or* makes loans to".

Amend section 1, page 1, lines 9 and 10, by deleting: "*and, in connection therewith,*" and inserting "*or*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 752.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1114.

Amend section 1, page 1, by deleting lines 5 through 7 and inserting "*tion.*".

Amend the title of the bill by deleting the third and fourth lines and inserting: "extractive operations; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes counties to set aside portion of revenue from net proceeds of mines to mitigate adverse effects from opening or closing of mines. (BDR 32-1347)".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 60.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 976.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 2, page 1, line 15, by deleting the open bracket.

Amend sec. 2, page 1, by deleting lines 16 and 17 and inserting: "immunodeficiency virus and [syphilis.] *any commonly contracted sexually transmitted disease, regardless of whether he or, if a detained minor, his parent or guardian consents to providing the*".

Amend sec. 2, page 1, by deleting line 19 and inserting: "*minor shall obtain the specimen and submit it to the health authority for testing. The health authority shall perform the test in accordance with generally accepted medical practices.*".

Amend sec. 2, page 1, by deleting line 21 and inserting: "pursuant to subsection 1 to [the] *:*".

Amend sec. 2, page 1, line 22, by deleting "*victim and*" and inserting "victim or".

Amend sec. 2, page 2, line 8, after "*determines*" by inserting: "*, from the results of a test performed pursuant to subsection 1,*".

Amend sec. 2, page 2, line 9, by deleting "*syphilis,*" and inserting: "*any commonly contracted sexually transmitted disease,*".

Amend sec. 2, page 2, by deleting line 10 and inserting: "*at the request of the victim, provide him with:*".

Amend sec. 2, page 2, line 11, by deleting "*or*" and inserting "*and*".

Amend sec. 2, page 2, by deleting lines 12 through 17 and inserting: "*any commonly contracted sexually transmitted disease to which the health authority determines he may have been exposed;*

(b) Counseling regarding the human immunodeficiency virus and any commonly contracted sexually transmitted disease to which the health authority determines he may have been exposed; and

(c) A referral for health care and other assistance,

as appropriate.

4. *If the court in:*

(a) A criminal proceeding determines that a person has committed a crime; or

(b) A proceeding conducted pursuant to chapter 62 of NRS determines that a minor has committed an act which, if committed by a person other than a minor would constitute a crime,

involving the sexual penetration of a victim's body, the court shall, upon

application by the health authority, order that minor or other person to pay any expenses incurred in carrying out this section with regard to that minor or other person and that victim.

5. The board shall adopt regulations identifying, for the purposes of this section, sexually transmitted diseases which are commonly contracted.

6. As used in this section [, the term "sexual] :".

Amend the title of the bill, second line, by deleting "any" and inserting "certain".

Amend the title of the bill, third line, by deleting "disease;" and inserting: "diseases; repealing the statutory requirement for the examination and treatment of arrested persons for exposure to certain sexually transmitted diseases;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes regarding testing and treatment of alleged perpetrators and victims of certain sexual offenses for exposure to sexually transmitted diseases. (BDR 40-664)".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 229.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 1098.

Amend section 1, page 1, by deleting lines 19 through 21 and inserting:

"*4. Upon receipt of a request for repair with respect to a collision, accident or other casualty for which a report is required by subsection 2, the person who repairs the vessel shall provide written notice to the person requesting the repairs of the requirement set forth in subsection 2 that the operator file with the department of wildlife a full description of the casualty.*

5. The insurer and the person who repairs a vessel shall transmit a copy of each notice they provide pursuant to subsections 3 and 4, respectively, to the department of wildlife at the same time it is provided to the person requesting the repairs.".

Amend the title of the bill, first line, after "insurers" by inserting: "and persons who repair vessels".

Amend the summary of the bill, first line, after "insurers" by inserting: "and persons who repair vessels".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 347.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 1105.

Amend sec. 31, page 10, by deleting lines 9 through 17 and inserting:

"*2. Before adopting the regulations required by subsection 1 for a county whose population is 400,000 or more, the commission shall consider the relative cost and effectiveness of each of the alternatives set forth in subsection 3.*".

Amend sec. 31, page 10, line 37, by deleting "*provide for*" and inserting: "*augment the decentralized system with*".

Amend sec. 32, page 11, line 45, by deleting "stations;" and inserting: "stations . [;]".

Amend sec. 32, page 11, line 48, by deleting "compliance;" and inserting: "compliance . [;]".

Amend sec. 32, page 12, by deleting lines 1 through 3 and inserting:

"(c) Prescribe the diagnostic equipment necessary to perform the required inspection . [;] *The regulations must ensure that the equipment complies with any applicable standards of the United States Environmental Protection Agency.*".

Amend sec. 32, page 12, by deleting lines 5 and 6 and inserting: "the provisions of NRS 445.610 to 445.670, inclusive [;] , and *sections 9 to 20, inclusive, of this act.*".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 454.

Bill read second time and ordered to third reading.

Assembly Bill No. 295.

Bill read second time.

The following amendment was proposed by Assemblyman Ernaut:

Amendment No. 1082.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 4 and the leadlines of the repealed sections, following the enacting clause, to read as follows:

"Section 1. NRS 370.001 is hereby amended to read as follows:

370.001 As used in NRS [370.005] *370.001* to 370.430, inclusive, unless the context otherwise requires, the words and terms defined in NRS [370.005] *370.010* to 370.055, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. NRS 370.371 is hereby amended to read as follows:

370.371 1. A wholesale dealer shall not [,] *engage in predatory pricing* with intent to injure competitors or destroy or lessen competition substantially [:

(a) Advertise, offer to sell or sell at wholesale, cigarettes at less than the cost to the wholesale dealer; or

(b) Offer any rebate or concession in price or give any rebate or concession in price in connection with the sale of cigarettes.] *by advertising, offering to sell or selling at wholesale, cigarettes at less than cost.*

2. A retail dealer shall not [:

(a) Induce, attempt to induce, procure or attempt to procure the purchase of cigarettes at a price less than the cost to the wholesale dealer; or

(b) Induce, attempt to induce, procure or attempt to procure any rebate or concession in connection with the purchase of cigarettes.

3. A person who violates the provisions of this section shall be punished by a fine of not more than $50 for each offense.

4. Evidence of:

(a) An advertisement, an offer to sell or the sale of cigarettes by a wholesale dealer at less than the cost to him;

(b) An offer of a rebate in price, the giving of a rebate in price, an offer of a concession or the giving of a concession in connection with the sale of cigarettes; or

(c) The inducement, attempt to induce, procurement or attempt to procure the purchase of cigarettes at a price less than the cost to the wholesale dealer,

is prima facie evidence of intent and likelihood to injure competition and to destroy or lessen competition substantially.] *engage in predatory pricing with the intent to injure competitors or destroy or lessen competition substantially by procuring or attempting to procure the purchase of cigarettes from a wholesale dealer at a price less than cost.*

3. The attorney general shall enforce the provisions of this section in the manner set forth in NRS 598A.010 to 598A.280, inclusive.

4. As used in this section, "predatory pricing" means pricing below an appropriate measure of cost to eliminate competitors in the short run and reducing competition in the long run.

Sec. 3. NRS 370.005, 370.027, 370.037, 370.3715, 370.372, 370.3725, 370.373, 370.3735, 370.374, 370.3745, 370.376, 370.377, 370.378 and 370.379 are hereby repealed.

Sec. 4. This act becomes effective upon passage and approval.

LEADLINES OF REPEALED SECTIONS

370.005 "Basic cost of cigarettes" defined.

370.027 "Cost to the wholesale dealer" defined.

370.037 "Sale at wholesale" defined.

370.3715 Powers of executive director.

370.372 Determination of cost of cigarettes to wholesale dealer and cost of doing business.

370.3725 Selling price of wholesale dealer in certain circumstances.

370.373 Sale by wholesale dealer to another wholesale dealer.

370.3735 Certain sales at wholesale exempted.

370.374 Meeting lawful price of competitor.

370.3745 Determination of cost to wholesale dealer.

370.376 Contract in violation of provisions is void.

370.377 Survey of costs.

370.378 Action to prevent, restrain or enjoin a violation or threatened violation of provisions; action for damages and costs.

370.379 Suspension or revocation of license; reinstatement of license.".

Amend the title of the bill to read as follows:

"An Act relating to cigarettes; revising provisions regarding regulatory oversight of competition in the sale of cigarettes by wholesale and retail dealers; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions regarding regulatory oversight of competition in sale of cigarettes by wholesale and retail dealers. (BDR 32-1181)".

Assemblyman Ernaut moved the adoption of the amendment.

Remarks by Assemblymen Ernaut, Regan, Lambert, Collins, Bonaventura, Price, Augustine, Giunchigliani, Anderson and Kenny.

Assemblymen Toomin, Giunchigliani and Bache moved the previous question.

Motion carried.

The question being on the motion to adopt Amendment No. 1082 to Assembly Bill No. 295.

Amendment lost.

Bill ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 295 be re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 773.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1092.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 704.040 is hereby amended to read as follows:

704.040 1. Every public utility shall furnish reasonably adequate service and facilities, and the charges made for any service rendered or to be rendered, or for any service in connection therewith or incidental thereto, must be just and reasonable.

2. Every unjust and unreasonable charge for service of a public utility is unlawful.

3. The commission may exempt, to the extent it deems reasonable, services related to telecommunication or public utilities which provide telecommunication services from any or all of the provisions of this chapter, upon a determination after hearing that the services are competitive or

discretionary and that regulation thereof is unnecessary. For the purposes of this subsection, basic local exchange service and access services provided to interexchange carriers are not discretionary.

4. The commission shall adopt regulations necessary to establish an alternative plan of regulation of a public utility that provides telecommunication services. The alternative plan may include, but is not limited to, provisions that:

(a) Allow adjustment of the rates charged by a public utility that provides telecommunication services during the period in which the utility elects the alternative plan of regulation.

(b) Provide for flexibility of pricing for discretionary services and services that are competitive.

(c) Specify the provisions of this chapter and chapter 707 of NRS that do not apply to a public utility that elects to be regulated under the alternative plan.

5. A public utility that elects to be regulated under the alternative plan established pursuant to subsection 4 is not subject to the remaining provisions of this chapter or chapter 707 of NRS to the extent specified pursuant to paragraph (c) of subsection 4.

6. *All providers of telecommunication services which offer the same or similar service must be subject to fair and impartial regulation, to promote adequate, economical and efficient service.*

7. For the purposes of this section, "interexchange carrier" means any person providing intrastate telecommunications service for a fee between two or more exchanges.".

Amend section 1, page 1, by deleting lines 14 through 19 and inserting:

"3. [It is unlawful for a] *A* community antenna television company [to offer] *may offer* any *telecommunication or related* services which are offered in the same area by a telephone company , pursuant to [rates or] *chapter 704 of NRS and* regulations approved by the public service commission of Nevada [.] *for providers of similar services. A community antenna television company shall obtain a certificate of public convenience and necessity pursuant to NRS 704.330 before providing telecommunication or related services which are subject to regulation by the public service commission of Nevada.*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Conflict of interest declared by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 211.

Bill read third time.

Remarks by Assemblyman Augustine.

Roll call on Senate Bill No. 211:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 211 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 248.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Senate Bill No. 248:

YEAS—37.

NAYS—Anderson, Gibbons, Spitler, Toomin—4.

Absent—Carpenter.

Senate Bill No. 248 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 303.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 303:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 396.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 396:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 396 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 416.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Senate Bill No. 416:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 416 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 435.

Bill read third time.

Remarks by Assemblyman Collins.
Roll call on Senate Bill No. 435:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 435 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 444.
Bill read third time.
Remarks by Assemblyman Smith.
Roll call on Senate Bill No. 444:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 456.
Bill read third time.
Remarks by Assemblyman Toomin.
Roll call on Senate Bill No. 456:
YEAS—38.
NAYS—Augustine, Gibbons, Haller—3.
Absent—Carpenter.

Senate Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 729, 763, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 776; Senate Bills Nos. 334, 517, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 729, 763, 776; Senate Bills Nos. 334, 517 be placed on the Second Reading File.
Remarks by Assemblyman Porter.
Motion carried.

Assemblyman Porter moved that Senate Bills Nos. 460, 499, 536, 154, 541; Senate Joint Resolution No. 15 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 729.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1056.

Amend section 1, page 1, line 2, by deleting "*this section,*" and inserting "*subsection 2,*".

Amend section 1, page 1, by deleting lines 16 through 20.

Amend section 1, page 1, line 21, by deleting "*4.*" and inserting "*3.*".

Amend the title of the bill by deleting the third through sixth lines and inserting: "nished to another agency of criminal justice in certain circumstances; and providing other matters".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 763.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1047.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 362 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The permanent net proceeds fund is hereby created as a trust fund. No portion of the principal of the fund may be removed except by direct legislative appropriation. Any such appropriation must receive the votes of a two-thirds majority of each house of the legislature.

2. On or before August 15 of each year, the state controller shall deposit in the fund 5 percent of the portion of the revenue from the tax on the net proceeds of minerals that is remaining after the appropriation made by NRS 362.170.

3. On or before August 15 of each odd-numbered year, the state controller shall transfer to the fund any revenue from the tax on the net proceeds of minerals received during the 2 previous fiscal years which, after subtracting the amount deposited pursuant to subsection 2 and the amount appropriated pursuant to NRS 362.170 for both fiscal years, exceeds $55,000,000.".

Amend sec. 3, page 1, by deleting line 5 and inserting:

"Sec. 4. 1. This section and sections 2 and 3 of this act become effective on July 1, 1993.

2. Section 1 of this act becomes effective July 1, 1995.".

Amend the title of the bill, first line, after "administration;" by inserting "temporarily".

Amend the summary of the bill, first line, after "Repeals" by inserting "temporarily".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 776.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 334.

Bill read second time and ordered to third reading.

Senate Bill No. 517.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 282; Assembly Concurrent Resolution No. 80; Senate Bills Nos. 108, 139, 192, 230.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Shelly Chase, Vicki Hood, Kelly Smith, Bretia Chandler Herman and Ruby Herman.

Assemblyman Porter moved that the Assembly adjourn until Saturday, June 26, 1993 at 8 a.m.

Motion carried.

Assembly adjourned at 2:07 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTIETH DAY

CARSON CITY (Saturday), June 26, 1993

Assembly called to order at 8:25 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, The Reverend Stan Pesis.

Loving Lord, in these hectic days of forced decisions, remember us. Grant us grace under pressure and wisdom to discern the right path. And as we see the path home before us, protect and guide us as we set out to travel, make our ways safe and our homecomings joyful. And at the last, bring us safely to dwell in peace with You. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Senate Bills Nos. 434, 467, 477, 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 27, 461, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 462, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 25, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate passed Assembly Bills Nos. 18, 19, 196, 204, 233, 247, 305, 328, 334, 411, 448, 482, 500.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 73, 444, 481, 485, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 327 and requests a conference, and appointed Senators O'Donnell, James and Nevin as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 379 and requests a conference, and appointed Senators James, Nevin and Jacobsen as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 63, 81.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 49, 184.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators James, Adler and McGinness as a first Committee on Conference concerning Senate Bill No. 10.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Sader, Anderson and Carpenter as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 327.

Mr. Speaker appointed Assemblymen Chowning, Anderson and Hettrick as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 379.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 358, 629, 729, 752, 763 be placed on the General File immediately following Assembly Bill No. 776.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 773 be placed at the top of the General File.

Motion carried.

Assemblyman Porter moved that Senate Bills Nos. 60, 229, 347 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 773.

Bill read third time.

Remarks by Assemblymen Porter, Spitler and Collins.

Conflict of interest declared by Assemblyman Spitler.

Roll call on Assembly Bill No. 773:

YEAS—38.
NAYS—de Braga, Haller—2.
Absent—Carpenter.
Not voting—Spitler.

Assembly Bill No. 773 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Assemblyman Porter moved that all rules be suspended and that Assembly Bill No. 773 be immediately transmitted to the Senate.

Motion carried unanimously.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 334 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 776.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 776:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 776 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 358.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 358:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 358 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 629.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 629:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 629 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 729.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 729:

YEAS—40.

NAYS—None.

Absent—Carpenter.

Not voting—Perkins.

Assembly Bill No. 729 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 752.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 752:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 752 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 763.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 763:

YEAS—39.

NAYS—Evans, Giunchigliani—2.

Absent—Carpenter.

Assembly Bill No. 763 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 358, 629, 729, 752, 763, 776 be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 154.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Senate Bill No. 154:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 154 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 454.

Bill read third time.

Remarks by Assemblyman Price.

Assemblyman Price moved that Senate Bill No. 454 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Price.

Motion carried.

Senate Bill No. 460.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Senate Bill No. 460:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 460 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 499.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Senate Bill No. 499:

YEAS—40.
NAYS—None.
Absent—Carpenter.
Not voting—Porter.

Senate Bill No. 499 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 517.

Bill read third time.

Remarks by Assemblyman Tiffany.

Roll call on Senate Bill No. 517:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 517 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 536.
Bill read third time.
Remarks by Assemblyman Augustine.
Roll call on Senate Bill No. 536:
YEAS—40.
NAYS—Scherer.
Absent—Carpenter.

Senate Bill No. 536 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 541.
Bill read third time.
Remarks by Assemblymen Gibbons, Anderson, Bonaventura and Smith.
Roll call on Senate Bill No. 541:
YEAS—34.
NAYS—Augustine, Bennett, Collins, Garner, Porter, Sader, Spitler—7.
Absent—Carpenter.

Senate Bill No. 541 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 15.
Resolution read third time.
Remarks by Assemblyman Ernaut.
Roll call on Senate Joint Resolution No. 15:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Joint Resolution No. 15 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Bill No. 60.
Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Senate Bill No. 60:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 60 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 9:06 a.m.

ASSEMBLY IN SESSION

At 10:25 a.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 665, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 556, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 26, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 550, 564.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 375, 421, 506, 512, 532.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 56.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 56.

Assemblyman Augustine moved the adoption of the resolution.

Remarks by Assemblyman Augustine.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 783—An Act relating to real estate transactions; exempting from licensure requirements person engaged in the introduction or the arranging of the introduction of the parties to such transactions allowing a real estate broker, broker-salesman or salesman to pay or give certain fees or gifts to persons who make or arrange such introductions; prohibiting a person from accepting more than a certain number of such fees or gifts in a calendar year; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 375.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 421.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 506.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 512.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 532.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 550.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 564.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 27, 461, 556, 665; Senate Bills Nos. 462, 467, 477, 484 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 347 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 229.

Bill read third time.

Remarks by Assemblymen de Braga and Collins.

Roll call on Senate Bill No. 229:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 229 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 454.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 454:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 730, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 569, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 27.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1122.

Amend sec. 6, page 4, by deleting lines 8 through 16 and inserting:

"3. The commission [at the request of the appointing authority] shall , *in accordance with its rules and regulations,* certify to [him] *the appointing authority* the names of *not less than* the three [eligibles standing highest on the appropriate eligible list or lists; he] *most qualified persons on the eligibility list. The appointing authority* shall choose from among [these names. If both open and promotional lists are in existence, the promotional list shall be used first, and if it does not provide three names, the additionally needed names shall be taken from the open list.] *those names in accordance with the rules and regulations adopted by the commission. Rules and regulations adopted by the commission pursuant to this subsection must be approved by the city council before they become effective.*".

Amend sec. 6, page 4, line 22, by deleting the open bracket.

Amend sec. 6, page 4, by deleting lines 23 and 24 and inserting: "authorize the certification of only those [eligibles] *persons on an*".

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "of law; requiring that the rules and regulations adopted by the civil service commission relating to eligibility lists for the appointment of persons to the civil service be approved by the city council; and providing other matters properly".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 461.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1121.

Amend section 1, page 1, line 7, by deleting "2. *To*" and inserting: "2. *In a county whose population is less than 400,000, to*".

Amend sec. 2, page 1, line 21, by deleting "diversion." and inserting: "diversion [.] , *described by legal subdivision or metes and bounds and by a physical description of that place of diversion.*".

Amend sec. 2, page 2, by deleting lines 5 through 11 and inserting:

"3. *If the application is for a proposed well:*

(a) In a county whose population is less than 400,000;

(b) For municipal or industrial use; and

(c) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

the applicant shall mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well, to his address as shown in the latest records of the county assessor. Six of the notices must be sent by certified mail. If there are not six such wells within 2,500 feet, the notices must be sent by certified mail to each owner. The return receipts from these notices must be filed with the state engi-".

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Amend sec. 4, page 3, by deleting lines 1 through 3 and inserting:

"*(c) The proposed diversion or change, if within a county whose population is less than 400,000, does not have an unreasonable adverse effect on the quantity or quality of water from domestic wells in the same basin.*".

Amend sec. 4, page 3, by deleting line 15 and inserting: "or change conflicts with existing rights, *including, in a county whose population is less than 400,000, a domestic well in the area,* or threat-".

Amend the bill as a whole by deleting sec. 5 and renumbering sec. 6 as sec. 4.

Amend sec. 6, page 4, by deleting lines 6 through 12 and inserting: "tion is affirmative. *The state engineer shall require each applicant to whom a permit is issued for a well:*

(a) In a county whose population is less than 400,000;

(b) For municipal or industrial use; and

(c) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

to report periodically to the state engineer concerning the effect of that well on other wells in the area.".

Amend sec. 6, page 4, by deleting lines 27 and 28 and inserting: "such express conditions. *At the time a permit is granted for a well:*

(a) In a county whose population is less than 400,000;

(b) For municipal or industrial use; and

(c) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

the state engineer shall advise the permittee that he is liable for the expenses of deepening or replacing an existing domestic well which is unreasonably adversely affected. Such a permittee is liable for those expenses as a condition of such a permit.".

Amend sec. 6, page 4, by deleting lines 40 through 42.

Amend the title of the bill, first line, after "providing" by inserting: "in certain counties".

Amend the summary of the bill, first line, after "Provides" by inserting: "in certain counties".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblymen Gibbons and Kenny.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 556.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 948.

Amend section 1, page 1, by deleting lines 3 through 7 and inserting:

"*1. An agency which provides protective services:*

(a) May organize one or more multidisciplinary teams to review the death of a child; and

(b) Shall organize one or more multidisciplinary teams to review the death of a child upon receiving a written request from an adult related to the child within the third degree of consanguinity, if the request is received by the agency within 1 year after the date of death of the child.

2. Members of a team organized pursuant to subsection 1 serve at the invitation of the agency and must include representatives of other organizations concerned with education, law enforcement or physical or mental health.

3. Each organization represented on such a team may share with other members of the team information in its possession concerning the child who

is the subject of the review, siblings of the child, any person who was responsible for the welfare of the child and any other information deemed by the organization to be pertinent to the review.

4. Before establishing any child death review team, an agency shall adopt a written protocol describing its objectives and the structure of such a team.".

Amend the title of the bill, first line, by deleting "authorizing" and inserting "providing for".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 665.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 947.

Amend section 1, page 1, line 3, by deleting "*shall*" and inserting "*may*".

Amend the bill as a whole by deleting sec. 2 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. The department of transportation, in cooperation with the telecommunications division of the department of general services, shall study alternative methods of establishing a system of telephones along the most frequently traveled highways of this state for members of the public to use for reporting emergencies. The findings and recommendations of the study must include a comprehensive, statewide plan for establishing such a system. The study must:

1. Include recommended criteria for the placement of telephones for the system, specifically addressing the location and frequency of the telephones to be placed along the highways of this state;

2. Include guidelines for the operation of the system which address:

(a) The type of calls that may be placed through the telephones of the system, specifically whether the telephones of the system may be used only for emergencies or may also be used for other applications;

(b) The charges for the use of the system, if any;

(c) The location where the calls from the system are to be answered; and

(d) Whether the telephones of the system will dial automatically or require a user to dial manually;

3. Identify potential sources for the funding of the system;

4. Include alternative designs for the system that encompasses the participation of the private sector;

5. Identify potential additional applications for the system;

6. Recommend a state agency to be responsible for the administration of the system;

7. Include a comparison of similar systems in other states, specifically the costs, features and benefits of such systems; and

8. Include plans for a pilot project for the system.

A report of the findings and recommendations of the study must be submitted to the director of the legislative counsel bureau on or before January 3, 1995, for distribution to the 68th session of the Nevada legislature.".

Amend the title of the bill to read as follows:

"An Act relating to highways; authorizing the department of transportation to establish a system of emergency telephones along the most frequently traveled public highways; requiring that a study be performed regarding the alternative methods of establishing such a system; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires department of transportation to study alternative methods of establishing system of emergency telephones along most frequently traveled public highways. (BDR 35-148)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Spitler.

Conflict of interest declared by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 462.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1050.

Amend the bill as a whole by deleting sec. 4 and inserting:

"Sec. 4. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 24 and inserting:

"Sec. 24. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 34.5.

"Sec. 34.5. (Deleted by amendment.)".

Amend sec. 38.7, page 31, line 12, by deleting "deserting".

Amend sec. 38.7, page 31, line 13, by deleting "deserting".

Amend sec. 38.7, page 31, line 24, after "officers and" by inserting "their".

Amend the bill as a whole by renumbering sections 94 and 95 as sections 97 and 98 and adding new sections designated sections 94 through 96, following sec. 93, to read as follows:

"Sec. 94. Section 52 of Assembly Bill No. 387 of this session is hereby amended to read as follows:

Sec. 52. NRS 78.630 is hereby amended to read as follows:

78.630 1. Whenever any corporation becomes insolvent or suspends its ordinary business for want of [funds] *money* to carry on the business, or if its business has been and is being conducted at a great loss and greatly prejudicial to the interest of its creditors or stockholders, any creditors holding 10 percent of the outstanding indebtedness, or stockholders owning 10 percent of the outstanding stock entitled to vote, may, by petition [or bill of complaint] setting forth the facts and circumstances of the case, apply to

the district court of the county in which the [principal] *registered* office of the corporation is located for a writ of injunction and the appointment of a receiver or receivers or trustee or trustees.

2. The court, being satisfied by affidavit or otherwise of the sufficiency of the application and of the truth of the allegations contained in the petition [or bill,] and upon hearing after such notice as the court by order may direct, shall proceed in a summary way to hear the affidavits, proofs and allegations which may be offered in behalf of the parties.

3. If upon such inquiry it appears to the court that the corporation has become insolvent and is not about to resume its business in a short time thereafter, or that its business has been and is being conducted at a great loss and greatly prejudicial to the interests of its creditors or stockholders, so that its business cannot be conducted with safety to the public, it may issue an injunction to restrain the corporation and its officers and agents from exercising any of its privileges or franchises and from collecting or receiving any debts or paying out, selling, assigning or transferring any of its estate, [moneys, funds,] *money,* lands, tenements or effects, except to a receiver appointed by the court, until the court otherwise orders.

Sec. 95. Section 243 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 243. NRS 244.33505 is hereby amended to read as follows:

244.33505 1. In a county in which a license to engage in a business is required, the board of county commissioners shall not issue such a license unless the applicant for the license signs an affidavit affirming that the business:

(a) Has received coverage by the state industrial insurance system required pursuant to chapter 616 of NRS;

(b) Maintains a valid certificate of self-insurance pursuant to chapter 616 of NRS; [or]

(c) *Is a member of an association of self-insured public or private employers; or*

(d) Is not subject to the provisions of chapter 616 of NRS.

2. In a county in which such a license is not required, the board of county commissioners shall require a business, when applying for a post office box, to submit to the board the affidavit required by subsection 1.

3. Each board of county commissioners shall submit to the administrator of the division of industrial insurance regulation of the department of industrial relations monthly a list of the names of those businesses which have submitted an affidavit required by subsections 1 and 2.

4. Upon receiving an affidavit required by this section, a board of county commissioners shall provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the division of preventative safety of the department of industrial relations pursuant to NRS 618.376.

Sec. 96. Section 244 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 244. NRS 268.0955 is hereby amended to read as follows:

268.0955 1. In an incorporated city in which a license to engage in a business is required, the city council or other governing body of the city shall not issue such a license unless the applicant for the license signs an affidavit affirming that the business:

(a) Has received coverage by the state industrial insurance system required pursuant to chapter 616 of NRS;

(b) Maintains a valid certificate of self-insurance pursuant to chapter 616 of NRS; [or]

(c) *Is a member of an association of self-insured public or private employers; or*

(d) Is not subject to the provisions of chapter 616 of NRS.

2. In an incorporated city in which such a license is not required, the city council or other governing body of the city shall require a business, when applying for a post office box, to submit to the governing body the affidavit required by subsection 1.

3. Each city council or other governing body of an incorporated city shall submit to the administrator of the division of industrial insurance regulation of the department of industrial relations monthly a list of the names of those businesses which have submitted an affidavit required by subsections 1 and 2.

4. Upon receiving an affidavit required by this section, the city council or other governing body of an incorporated city shall provide the applicant with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the division of preventative safety of the department of industrial relations pursuant to NRS 618.376.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 467.

Bill read second time and ordered to third reading.

Senate Bill No. 477.

Bill read second time and ordered to third reading.

Senate Bill No. 484.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 569, 730 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 485.

The following Senate amendment was read:

Amendment No. 1010.

Amend sec. 2, page 1, by deleting line 13 and inserting: "*that jurisdiction, and may, at no cost to the local governing body, engage an indepen-*".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 485.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 444.

The following Senate amendment was read:

Amendment No. 1060.

Amend sec. 2, page 2, line 15, by deleting "[8,] *9,*" and inserting "8,".

Amend sec. 2, page 3, line 29, by deleting "[9.] *10.*" and inserting "9.".

Amend sec. 2, page 3, by deleting lines 37 through 44.

Amend sec. 2, page 3, line 45, by deleting "*10.*" and inserting "9.".

Amend sec. 2, page 4, line 1, by deleting "[10.] *11.*" and inserting "10.".

Amend sec. 2, page 4, line 6, by deleting "[11.] *12.*" and inserting "11.".

Amend sec. 2, page 4, line 16, by deleting "[12.] *13.*" and inserting "12.".

Amend sec. 2, page 4, line 18, by deleting "act" and inserting: "act , *or considers that its financial condition is adversely affected by any other governmental action,*".

Amend sec. 2, page 4, by deleting lines 26 through 28 and inserting:

"13. A hospital that submits its charge master for approval pursuant to subsection 11 or requests an increase in its prices pursuant to subsection 12 shall pay the department a fee for its review of the".

Amend sec. 2, page 4, line 32, by deleting "[14.] *15.*" and inserting "14.".

Amend sec. 2, page 4, line 40, by deleting "[15.] *16.*" and inserting "15.".

Amend sec. 2, page 5, line 6, by deleting "[16.] *17.*" and inserting "16.".

Amend the title of the bill by deleting the second and third lines and inserting: "rate is different than the itemized charges; revising the circumstances under which a major hospital may request approval to increase the prices in its charge master; and".

Assemblyman Evans moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 444.

Remarks by Assemblyman Evans.

Motion carried.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 569.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1108.

Amend section 1, page 1, line 6, by deleting: "*pursuant to Title 57 of NRS.*" and inserting: "*or otherwise allowed to transact insurance under this Title.*".

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

"Sec. 1.5. NRS 679A.160 is hereby amended to read as follows:

679A.160 Unless otherwise provided, no provision of this code applies to:

1. Fraternal benefit societies, as identified in chapter 695A of NRS, except as stated in chapter 695A of NRS.

2. Hospital, medical or dental service corporations, as identified in chapter 695B of NRS, except as stated in chapter 695B of NRS.

3. Motor clubs, as identified in chapter 696A of NRS, except as stated in chapter 696A of NRS.

4. Bail bondsmen, as identified in chapter 697 of NRS, except as stated in NRS 680B.025 to 680B.039, inclusive, and chapter 697 of NRS.

5. Risk retention groups, as identified in chapter 695E of NRS, except as stated in chapter 695E of NRS.

6. Health and welfare plans arising out of collective bargaining under chapter 288 of NRS, except that the commissioner may review the plan to ensure that the benefits are reasonable in relation to the premiums and that the fund is financially sound.".

Amend sec. 4, page 1, by deleting lines 14 and 15 and inserting:

"Sec. 4. *1. If any person willfully engages in the unauthorized transaction of insurance, the commissioner may*".

Amend sec. 4, page 1, line 20, by deleting: "*685B.080, 685B.170, 685B.190,*".

Amend sec. 4, page 1, line 21, by deleting: "*696B.520 or section 14 of this act.*" and inserting "*696B.520.*".

Amend the bill as a whole by deleting sec. 6 and inserting:

"Sec. 6. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 7.5, following sec. 7, to read as follows:

"Sec. 7.5. NRS 681A.110 is hereby amended to read as follows:

681A.110 1. An insurer may reinsure all or any part of an individual risk or of a particular class of risks in any other insurer or, with the approval of the commissioner, all its risks in an authorized insurer, or may accept such reinsurance from any other insurer. No domestic insurer may reinsure with an insurer which is not authorized to transact insurance or reinsurance unless:

(a) The domestic insurer has the commissioner's written approval; or

(b) The insurer accepting the reinsurance is a group of *insurers which includes* individual, unincorporated [alien] insurers, having assets held in trust for the benefit of its United States policyholders in a sum not less than $50,000,000 and is authorized to transact insurance in at least one state.

If reinsurance is authorized pursuant to this section, a domestic insurer may reinsure all or substantially all its risks as provided in NRS 693A.370.

2. No credit may be taken for the reserve or unearned premium liability on account of any such reinsurance unless:

(a) The insurer accepting the reinsurance is authorized to transact insurance in this state or in another state conforming to the same standards of solvency as would be required of it if, at the time [such] *the* reinsurance is effected, it were so authorized in this state; or

(b) The insurer accepting the reinsurance is a group of *insurers which includes* individual, unincorporated [alien] insurers, having assets held in trust for the benefit of its United States policyholders in a sum not less than $50,000,000 and is authorized to transact insurance in at least one state.

3. Credit must be allowed as an asset or as a deduction from liability to any ceding insurer for reinsurance lawfully ceded to an assuming insurer qualified therefor under subsection 2, but no such credit may be allowed unless the reinsurance is payable by the assuming insurer on the basis of the liability of the ceding insurer under the contracts reinsured without diminution because of the insolvency of the ceding insurer.

4. Upon request of the commissioner an insurer shall promptly inform him in writing of the cancellation or any other material change in any of its reinsurance treaties or arrangements.

5. This section does not apply to wet marine and transportation insurance.".

Amend sec. 8, page 6, line 41, after "*may*" by inserting "*by regulation*".

Amend sec. 8, page 7, by deleting lines 2 and 3.

Amend the bill as a whole by adding a new section designated sec. 12.5, following sec. 12, to read as follows:

"Sec. 12.5. NRS 684A.020 is hereby amended to read as follows:

684A.020 1. As used in this code, "adjuster" means any person who, for compensation as an independent contractor or for a fee or commission, investigates and settles, and reports to his principal relative to, claims:

(a) Arising under insurance contracts for property, casualty or surety coverage, on behalf solely of the insurer or the insured; or

(b) Against a self-insurer who is providing similar coverage, unless the coverage provided relates to a claim for industrial insurance.

2. [An] *Except as otherwise provided in subsection 3:*

(a) An associate adjuster, as defined in NRS 684A.030 [, or an] *;*

(b) An attorney at law who adjusts insurance losses from time to time incidental to the practice of his profession [, or an] *;*

(c) An adjuster of ocean marine losses [, or a] *;*

(d) A salaried employee of an insurer [, or a] *; or*

(e) A salaried employee of a managing general agent maintaining an underwriting office in this state,

is not considered an adjuster for the purposes of this chapter.

3. For any insurer who sells to natural persons liability insurance covering motor vehicles, "adjuster" includes a salaried employee of the insurer and a salaried employee of a managing general agency maintaining an underwriting office in this state.".

Amend the bill as a whole by adding a new section designated sec. 13.5, following sec. 13, to read as follows:

"Sec. 13.5. NRS 685A.070 is hereby amended to read as follows:

685A.070 1. A broker shall not knowingly place surplus lines insurance with an insurer which is unsound financially or ineligible pursuant to this section.

2. No insurer is eligible for the acceptance of surplus lines risks pursuant to this chapter unless it has surplus as to policyholders not less in amount than $5,000,000 and, if an alien insurer, unless it has and maintains in a bank or trust company which is a member of the United States Federal Reserve System a trust fund established pursuant to terms reasonably adequate for the protection of all of its policyholders in the United States of America in an amount of not less than $1,500,000. Such a trust fund must not have an expiration date which is at any time less than 5 years in the future, on a continuing basis. In the case of:

(a) A group of *insurers which includes* individual unincorporated insurers, such a trust fund must be not less than $100,000,000.

(b) A group of incorporated insurers under common administration, such a trust fund must not be less than $100,000,000. The group of incorporated insurers [shall:] *must:*

(1) Operate under the supervision of the Department of Trade and Industry of the United Kingdom;

(2) Possess aggregate policyholders surplus of $10,000,000,000, which must consist of money in trust in an amount not less than the assuming insurers' liabilities attributable to insurance written in the United States; and

(3) Maintain a joint trusteed surplus of which $100,000,000 must be held jointly for the benefit of United States ceding insurers of any member of the group.

(c) An insurance exchange created by the laws of a state, such a trust fund must not be less than $50,000,000. If an insurance exchange maintains money for the protection of all policyholders, each syndicate shall maintain minimum capital and surplus or the substantial equivalent thereof, of not less than $3,000,000. If the insurance exchange does not maintain money for the protection of all policyholders, each syndicate [shall] *must* meet the minimum capital and surplus requirements stated in paragraph (a).

The commissioner may require larger trust funds than those set forth in this section if, in his judgment, the volume of business being transacted or proposed to be transacted warrants larger amounts.

3. No insurer is eligible to write surplus lines of insurance unless it has established a reputation for financial integrity and satisfactory practices in

underwriting and handling claims. In addition, a foreign insurer must be authorized in the state of its domicile to write the kinds of insurance which it intends to write in Nevada.

4. The commissioner may from time to time compile or approve a list of all surplus lines insurers deemed by him to be eligible currently, and may mail a copy of the list to each broker at his office last of record with the commissioner. To be placed on the list, a surplus lines insurer must file an application with the commissioner. The application must be accompanied by a nonrefundable fee of $2,450. This subsection does not require the commissioner to determine the actual financial condition or claims practices of any unauthorized insurer. The status of eligibility, if granted by the commissioner, indicates only that the insurer appears to be sound financially and to have satisfactory claims practices, and that the commissioner has no credible evidence to the contrary. While any such list is in effect, the broker shall restrict to the insurers so listed all surplus lines business placed by him.".

Amend sec. 14, page 10, between lines 26 and 27, by inserting:

"*7. The commissioner shall not, sooner than 1 year after the date on which an order pursuant to this section has been issued, grant an authorization as a surplus lines insurer or issue any license pursuant to Title 57 of NRS to the violator.*".

Amend sec. 15, page 10, line 35, after "*plan;*" by inserting "*and*".

Amend sec. 15, page 10, by deleting lines 36 and 37 and inserting:

"(b) Interinsurance exchanges and mutual benefit societies.".

Amend sec. 19, page 12, line 44, by deleting "*$10,000*" and inserting "*$5,000*".

Amend sec. 20, page 13, by deleting lines 19 through 23 and inserting: "insurer who [:

(a) Transacts property, casualty or surety insurance in this state; and

(b) Retains an adjuster to investigate and settle any claim arising under an insurance contract,] *sells liability insurance covering motor vehicles to natural persons* shall retain an adjuster who [resides] *is licensed* in this state.".

Amend sec. 26, page 15, line 33, by deleting "*15*" and inserting "*30*".

Amend the bill as a whole by adding a new section designated sec. 29.5, following sec. 29, to read as follows:

"Sec. 29.5. NRS 686B.030 is hereby amended to read as follows:

686B.030 *1. Except as otherwise provided in subsection 2,* NRS 686B.010 to 686B.175, inclusive, applies to all kinds and lines of direct insurance written on risks or operations in this state by any insurer authorized to do business in this state, except:

[1.] *(a)* Ocean marine insurance;

[2.] *(b)* Workmen's compensation insurance;

[3.] *(c)* Contracts issued by fraternal benefit societies;

[4.] *(d)* Life insurance and credit life insurance;

[5.] *(e)* Variable and fixed annuities; [and

6.] *(f)* Group and blanket health insurance and credit health insurance [.] ;

(g) Property insurance for business and commercial risks; and

(h) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS.

2. The exclusions set forth in paragraphs (g) and (h) of subsection 1 extend only to issues related to the determination or approval of premium rates.".

Amend sec. 30, page 16, by deleting lines 29 and 30 and inserting:

"Sec. 30. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The commissioner may adopt regulations relating to the form, content and sale of policies of insurance which provide for the payment of expenses which are not covered by Medicare.

2. The commissioner may adopt regulations relating to the sale of more than one policy of health insurance to the same person.

3. As used in this section, "Medicare" means the program of health insurance for aged and disabled persons established pursuant to Title XVIII of the Social Security Act (42 U.S.C. §§ 1395 et seq.).".

Amend the bill as a whole by deleting sections 31 through 33 and inserting:

"Secs. 31-33. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 40 through 43 and inserting:

"Secs. 40-43. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section, designated sec. 48.5, following sec. 48, to read as follows:

"Sec. 48.5. NRS 695F.040 is hereby amended to read as follows:

695F.040 [1.] "Limited health service" means:

[(a) Dental,]

1. Chiropractic, dental, hospital, medical, optometric, pharmaceutical , [or] podiatric *or surgical* care;

[(b)] *2.* Treatment relating to mental health or the abuse of drugs or alcohol; or

[(c)] *3.* Such other care or treatment as may be determined by the commissioner to be a limited health service.

[2. The term does not include any hospital, medical, surgical or emergency service except as that service is provided incidentally to a limited health service described in subsection 1.]".

Amend sec. 52, page 23, line 31, after "*authorized*" by inserting: "*or otherwise allowed under Title 57 of NRS*".

Amend sec. 56, page 25, by deleting line 21 and inserting:

"Sec. 56. NRS 689A.225 is hereby repealed.".

Amend the bill as a whole by deleting the text of repealed sections and inserting:

"TEXT OF REPEALED SECTION

689A.225 Limitations on sale of policy which supplements Medicare.

1. No insurer or agent may sell a policy of health insurance which supplements Medicare to a person who has purchased two other policies of health insurance which supplement Medicare.

2. If an insurer or agent sells a policy of health insurance which supplements Medicare to a person who has already purchased such a policy, the second policy must provide coverage for all expenses the insurer would be required to pay under the new policy without any reduction in benefits for payment under the first policy.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 730.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1130.

Amend section 1, page 1, line 3, by deleting "*treasurer*" and inserting "*controller*".

Amend section 1, page 1, line 5, by deleting "*$150,000*" and inserting "*$1,000,000.*".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 564, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that the Assembly resolve itself into a Committee of the Whole for the purpose of considering Assembly Bill No. 782, with Assemblyman Arberry as Chairman of the Committee of the Whole.

Motion carried.

IN COMMITTEE OF THE WHOLE

Assemblyman Arberry presiding.

Assembly Bill No. 782 considered.

The Committee of the Whole was addressed by Assemblymen Gibbons, Freeman, Dini, Evans, Collins, Porter, Bache, Giunchigliani, Bennett, Lambert, Bonaventura, Anderson, Regan, Segerblom and Mr. Lorne Malkiewich.

On motion of Assemblyman Porter, the committee did rise, and report back to the Assembly.

ASSEMBLY IN SESSION

At 11:54 a.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee of the Whole has met and considered Assembly Bill No. 782.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:55 a.m.

ASSEMBLY IN SESSION

At 12:13 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 782, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 564 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.
Motion carried unanimously.

Assemblyman Porter moved that Assembly Bill No. 782 be placed on the Second Reading File.

Remarks by Assemblyman Porter.
Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 782.
Bill read second time, ordered engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 564.
Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Senate Bill No. 564:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 564 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Porter moved that the Assembly recess until 3 p.m.

Motion carried.

Assembly in recess at 12:18 p.m.

ASSEMBLY IN SESSION

At 3:13 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 506, 550, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 784—An Act relating to public accommodations; expanding the limitation on the civil liability of an owner or keeper of any hotel, inn, motel, motor court, boardinghouse or lodginghouse for property left on the premises; and providing other matters properly relating thereto.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 73.

The following Senate amendment was read:

Amendment No. 695.

Amend section 1, page 2, line 17, after "*54*" by inserting: "*or chapter 449*".

Amend section 1, page 2, line 19, by inserting an italicized comma after "*for*".

Amend section 1, page 2, between lines 21 and 22, by inserting: "*The term does not include a corporate shareholder or a person elected to a public office unless that person has actual knowledge of the criminal neglect of a patient and shows deliberate indifference to such neglect.*".

Amend sec. 2, page 2, line 31, by deleting "*who*" and inserting: "*who, to the extent practicable,*".

Assemblyman Sader moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 73.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Lambert moved that Senate Bill No. 334 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Lambert.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 334.

Bill read third time.

The following amendment was proposed by Assemblyman Lambert:

Amendment No. 1149.

Amend sec. 2, page 2, line 12, by deleting "3. The" and inserting: "3. [The] *Except as otherwise provided in subsection 4, the*".

Amend sec. 2, page 2, between lines 17 and 18 by inserting:

"*4. The state controller shall not transfer from the sales and use tax account to the state general fund pursuant to subsection 3 more than $3,450,000 in a fiscal biennium.*".

Amend sec. 3, page 2, line 18, by deleting "1993." and inserting: "1993, and expires by limitation on July 1, 1995.".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblymen Lambert and Arberry.

Amendment lost.

Assemblyman Porter moved that Senate Bill No. 334 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 479, 514, 515, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 479, 514, 515 be placed on the Second Reading File.

Remarks by Assemblyman Porter.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 479.

Bill read second time and ordered to third reading.

Senate Bill No. 514.

Bill read second time and ordered to third reading.

Senate Bill No. 515.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 49, 184, 243; Senate Joint Resolution No. 7; Senate Concurrent Resolution No. 53.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Geri Ward, Joyce Woodhouse and Mr. Andrew Schneider.

Assemblyman Porter moved that the Assembly adjourn until Sunday, June 27, 1993 at 12 noon.

Motion carried.

Assembly adjourned at 3:26 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-FIRST DAY

CARSON CITY (Sunday), June 27, 1993

Assembly called to order at 1:03 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, Assemblyman Val Z. Garner.

Beloved Heavenly Father, we who are convened here today as legislators and guests, invite Thy presence and influence as we work to achieve a successful conclusion to this legislative session. We ask a special blessing upon the leadership of both houses. We are grateful for Thy blessings of health, country, and all the freedoms we enjoy. As we enter into the final days, bless us with patience, understanding and love. We are thankful, Father in Heaven, for every blessing that Thou has poured out upon us as a nation and a state. We say this in the name of Jesus Christ. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 723, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was re-referred Senate Bill No. 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 311, 509, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was re-referred Assembly Bill No. 287, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 563, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 457, 510, 645, 680, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Senate Bill No. 250, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 26, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 66, 211, 365, 423, 463, 535, 550, 565, 589, 602, 604, 609, 617, 623, 637, 643, 644, 648, 659, 686, 708, 718, 721, 744, 761.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 8, 262, 300, 349, 389, 499, 531, 543, 611, 654, 722, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 244, 692, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 361 and requests a conference, and appointed Senators Adler, James and Jacobsen as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senator Brown to replace Senator Nevin as a member of the first Committee on Conference concerning Assembly Bill No. 379.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolutions Nos. 20, 28, 29, 37.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Joint Resolution No. 11, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 23, 62.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 352, 470, 497, 533.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 84, 92, 508.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 79.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment No. 639 to Senate Bill No. 61 and concurred in the Assembly amendment No. 1048 to Senate Bill No. 61.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 49.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 49:

Assemblyman Porter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 352.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 470.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 497.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 533.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 27, 461, 556, 569, 665, 730; Senate Bill No. 462 be placed on the General File immediately following Assembly Bill No. 782.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Giunchigliani moved that Assembly Bill No. 762 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 730.

Remarks by Assemblyman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 782.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 782:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 782 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 27.

Bill read third time.

Remarks by Assemblymen Garner and Evans.

Assemblyman Garner requested that the following agreement be entered in the Journal.

This agreement is written confirmation of the understanding reached between the Reno City Manager, by and through his delegate Jean E. Atkinson, and Charles Laking, President of IAFF Local 731, regarding Assembly Bill 27:

1. Both parties agree to support adoption of AB 27, as amended, before the Nevada State Assembly.
   Upon passage of AB 27 by the Nevada State Assembly, both parties agree to support adoption of AB 27, as amended, subject to "2" below, before the Nevada State Senate.
2. The City will request an amendment to AB 27 in the Nevada State Senate to add language to provide that candidates will appear on the certification list in score order, with the highest score appearing first.
3. Upon passage and final approval of AB 27, the City and Local 731 agree to meet, discuss and attempt to draft a proposal regarding the certification rule to be used for promotion within the Reno fire service. The intent of the parties is to engage in a cooperative effort to deal honestly and in good faith with the issue of certification of names for purpose of promotion within the Reno fire service.
4. It is further agreed that the parties will appear before the Reno Civil Service Commission in support of the proposal reached.
5. In the event the parties are unable to reach agreement, the parties agree to submit their positions to a third party neutral. The process shall follow AAA rules for an expedited process. The arbitrator shall make a determination as to how the draft proposal will read. The decision of the arbitrator shall then become the joint position of the parties presented to the Reno Civil Service Commission.
6. Selection of the arbitrator shall be from AAA following the standard procedures used by the parties.
7. It is understood and agreed that this agreement is solely for the purpose of drafting and presenting a proposal to the Reno Civil Service Commission as more fully discussed above; does not become a part of the collective bargaining agreement between Local 731 and the City, nor shall it be construed as a past practice; and is not part of or subject to the collective bargaining and impasse procedures under NRS 288.

Jean E. Atkinson	6-26-93
FOR THE CITY OF RENO	DATE
Charles Laking	6-26-93
FOR IAFF LOCAL 731	DATE

Roll call on Assembly Bill No. 27:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 27 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 461.

Bill read third time.
Remarks by Assemblymen Gibbons and Ernaut.
Roll call on Assembly Bill No. 461:
YEAS—37.
NAYS—Bache, Bennett, Collins, de Braga—4.
Absent—Carpenter.

Assembly Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 556.
Bill read third time.
Remarks by Assemblyman Scherer.
Roll call on Assembly Bill No. 556:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 556 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 569.
Bill read third time.
Remarks by Assemblyman Porter.
Roll call on Assembly Bill No. 569:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 569 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 665.
Bill read third time.
Remarks by Assemblymen Anderson and Spitler.
Conflict of interest declared by Assemblyman Spitler.
Roll call on Assembly Bill No. 665:
YEAS—40.
NAYS—Hettrick.
Absent—Carpenter.

Assembly Bill No. 665 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 730.
Bill read third time.
Remarks by Assemblymen Arberry and Bache.

Roll call on Assembly Bill No. 730:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 730 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 762.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 762:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 762 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 462.

Bill read third time.

Remarks by Assemblyman Sader.

Assemblyman Sader moved that Senate Bill No. 462 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 467.

Bill read third time.

Remarks by Assemblymen Humke and Augustine.

Roll call on Senate Bill No. 467:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 467 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 477 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 479.

Bill read third time.

Remarks by Assemblyman Gregory.

Roll call on Senate Bill No. 479:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 479 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 484.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Senate Bill No. 484:

YEAS—40.
NAYS—None.
Absent—Carpenter.
Not voting—Porter.

Senate Bill No. 484 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 514.

Bill read third time.

Remarks by Assemblyman Toomin.

Roll call on Senate Bill No. 514:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 514 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 515.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 515:

YEAS—40.
NAYS—Spitler.
Absent—Carpenter.

Senate Bill No. 515 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 311, 457, 509, 510, 563, 645, 680; Senate Bills Nos. 250, 430 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 434 be taken from its position on the Second Reading File and placed at the bottom of the Second Reading File.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:46 p.m.

ASSEMBLY IN SESSION

At 2:19 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spitler moved that Assembly Bill No. 311 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Spitler.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 506.

Bill read second time and ordered to third reading.

Senate Bill No. 550.

Bill read second time and ordered to third reading.

Assembly Bill No. 457.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1036.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 483.475 is hereby amended to read as follows:

483.475 1. When a driver has accumulated six or more demerit points, but less than 12, the department shall notify him of this fact. If, after the department mails this notice, the driver presents proof to the department that he has successfully completed a course of traffic safety approved by the department, the department shall *order him to pay an administrative assessment of $5. Upon receipt of the administrative assessment, the department shall* cancel three demerit points from his driving record. *The administrative*

assessment collected by the department pursuant to this subsection must be deposited with the county general fund for credit to a special account and must be used for the counseling of criminal offenders. If the driver accumulates 12 or more demerit points before completing the course of traffic safety, he will not be entitled to have demerit points canceled upon the completion of the course, but must have his license suspended. A person may attend a course only once in 12 months for the purpose of reducing his demerit points. The three demerit points may only be canceled from a driver's record during the 12-month period immediately following the driver's successful completion of the course of traffic safety.

2. Any reduction of three demerit points applies only to the demerit record of the driver and does not affect his driving record with the department or his insurance record.

3. The department shall use a cumulative period for the suspension of licenses pursuant to subsection 1. The periods of suspension are:

(a) For the first accumulation of 12 demerit points during a 12-month period, 6 months. A driver whose license is suspended pursuant to this paragraph is eligible for a restricted license during the suspension.

(b) For the second accumulation within 3 years of 12 demerit points during a 12-month period, 1 year. A driver whose license is suspended pursuant to this paragraph is eligible for a restricted license during the suspension.

(c) For the third accumulation within 5 years of 12 demerit points during a 12-month period, 1 year. A driver whose license is suspended pursuant to this paragraph is not eligible for a restricted license during the suspension.

4. The department shall suspend for 1 year the license of a driver who is convicted of a sixth traffic offense within 5 years if all six offenses have been assigned a value of four or more demerit points. A driver whose license is suspended pursuant to this subsection is not eligible for a restricted license during the suspension.

5. If the department determines by its records that the license of a driver must be suspended pursuant to this section, it shall notify the driver by mail that his privilege to drive is subject to suspension.

6. Except as provided in subsection 7, the department shall suspend the license 30 days after it mails the notice required by subsection 5.

7. If a written request for a hearing is received by the department:

(a) The suspension of the license is stayed until a determination is made by the department after the hearing.

(b) The hearing must be held within 45 days after the request is received in the county where the driver resides unless he and the department agree that the hearing may be held in some other county. The scope of the hearing must be limited to whether the records of the department accurately reflect the driving history of the driver.".

Amend section 1, page 1, by deleting lines 18 through 20 and inserting: "*course on the abuse of alcohol and controlled substances, allow the person to attend the course at any school that is approved by the department to offer such a course and order him to pay an administrative assessment of $25. The*

administrative assessment must be deposited in the county general fund for credit to a special account and must be used for the counseling of criminal offenders. The".

Amend section 1, page 3, by deleting lines 11 through 13 and inserting: "*allow the person to attend the course at any school that is approved by the department to offer such a course and order him to pay an administrative assessment of $25. The administrative assessment must be deposited in the county general fund for credit to a special account and must be used for the counseling of criminal offenders.*".

Amend the title of the bill to read as follows:

"An Act relating to traffic laws; clarifying that a person may attend an educational course on the abuse of alcohol and controlled substances at any school approved by the department of motor vehicles and public safety to satisfy the requirements regarding attendance of those courses; requiring a person who attends such a course or a course in traffic safety to pay an administrative assessment; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to educational courses on abuse of alcohol and controlled substances and courses of traffic safety. (BDR 43-1142)".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved that Senate Bill No. 250 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Myrna Williams.

Motion carried.

Assemblyman Scherer moved that Senate Bill No. 430 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Scherer.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 509.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1094.

Amend the bill as a whole by deleting sections 1 through 11 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 598 of NRS is hereby amended by adding thereto a new section to read as follows:

"Mentally disabled person" means a person who has a mental impairment which substantially limits one or more of the person's major life activities. The term includes, but is not limited to, a person who:

1. Is mentally retarded;

2. Suffers from a severe mental or emotional illness; or

3. Has a specific learning disability.

Sec. 2. NRS 598.140 is hereby amended to read as follows:

598.140 As used in NRS 598.140 to 598.280, inclusive, *and section 1 of this act,* the words and terms defined in NRS 598.150 to 598.220, inclusive, *and section 1 of this act* have the meanings ascribed to them in NRS 598.150 to 598.220, inclusive, *and section 1 of this act,* unless the context otherwise requires.".

Amend the bill as a whole by renumbering sections 12 through 15 as sections 3 through 6.

Amend sec. 12, page 3, by deleting lines 36 through 42 and inserting:

"598.230 *1.* Any buyer who enters into or signs [a] *an otherwise enforceable* door-to-door sale contract in which the total purchase price of the goods or services is $25 or more may rescind such contract by giving written notice to the seller either by delivering, mailing or telegraphing [of] such notice no later than midnight of the [third] *3rd* business day *or, if the buyer is 60 years of age or older or is a mentally disabled person, the 14th business day,* after the".

Amend sec. 12, page 3, between lines 46 and 47 by inserting:

"*3. If a buyer who is 60 years of age or older or who is a mentally disabled person cancels such a contract after the 3rd business day and not later than midnight of the 14th business day after the date the contract was entered into or signed, the notice must indicate that the buyer is 60 years of age or older or is a mentally disabled person.*".

Amend sec. 13, page 4, line 12, by deleting "third" and inserting "[third] *3rd*".

Amend sec. 13, page 4, line 13, by deleting "*older,*" and inserting: "*older or are a mentally disabled person,*".

Amend sec. 14, page 4, line 29, by deleting "*older,*" and inserting: "*older or are a mentally disabled person,*".

Amend sec. 14, page 5, by deleting line 2 and inserting:

"of.....*or, if you are 60 years of age or older or are a mentally disabled person, not later than midnight of*.....

If you are 60 years of age or older or are a mentally disabled person and intend to cancel this transaction after 3 business days but within 14 business days after the date of this transaction, you must indicate that you are 60 years of age or older or are a mentally disabled person on this notice, or on any other notice or telegram sent to cancel this transaction.

Because I am.....(Indicate whether you are you are 60 years of age or older or are a mentally disabled person, if applicable), I may cancel this transaction within 14 business days after the date of this transaction.".

Amend sec. 15, page 5, line 27, by deleting "*older,*" and inserting: "*older or who is a mentally disabled person,*".

Amend the bill as a whole by deleting sec. 16 and renumbering sections 17 and 18 as sections 7 and 8.

Amend sec. 17, page 6, by deleting lines 1 through 4 and inserting:

"119A.410 1. The purchaser of a time share may cancel, by written notice, [the] *an otherwise enforceable* contract of sale until midnight of the [fifth] *5th* calendar day *or, if the purchaser is 60 years of age or older or is a mentally disabled person, of the 15th calendar day,* following the date of".

Amend sec. 17, page 6, between lines 13 and 14, by inserting:

"*5. As used in this section, "mentally disabled person" has the meaning ascribed to it in section 1 of this act.*".

Amend sec. 18, page 6, by deleting lines 15 through 19 and inserting:

"119B.280 [A] *An otherwise enforceable* contract of membership may be canceled at the option of the member if he sends notice of the cancellation by certified mail, return receipt requested, to the developer, posted not later than midnight of the 5th calendar day *or, if the member is 60 years of age or older or is a mentally disabled person, of the 15th calendar day,* following the".

Amend sec. 18, page 6, line 25, after "consideration." by inserting: "*As used in this section, "mentally disabled person" has the meaning ascribed to it in section 1 of this act.*".

Amend the bill as a whole by deleting sections 19 and 20 and adding a new section designated sec. 9, following sec. 18, to read as follows:

"Sec. 9. This act becomes effective on January 1, 1994.".

Amend the title of the bill to read as follows:

"An Act relating to contracts; authorizing certain older or mentally disabled persons to cancel specified contracts within prescribed periods; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes certain older or mentally disabled persons to cancel specified contracts within prescribed periods. (BDR 52-64)".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Porter.

Conflict of interest declared by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 510.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 939.

Amend the bill as a whole by deleting sections 1 through 5 and renumbering sections 6 and 7 as sections 1 and 2.

Amend sec. 6, page 3, line 45, by deleting the open bracket.

Amend sec. 6, page 3, line 46, by deleting "$10." and inserting "[$10.] *$5.*".

Amend sec. 6, page 3, line 47, by deleting the closed bracket.

Amend sec. 7, page 4, by deleting lines 9 through 11 and inserting: "*Any person who is authorized pursuant to this chapter to issue citations for violations of traffic laws, including citations for standing violations, may authorize the removal of a vehicle that is in violation of a parking ordinance in the manner prescribed in NRS 487.220 to 487.300, inclusive.*".

Amend the bill as a whole by deleting sections 8 through 14 and renumbering sections 15 and 16 as sections 3 and 4.

Amend sec. 16, page 7, line 26, by deleting "*$20*" and inserting "*$50*".

Amend sec. 16, page 7, line 27, by deleting "*$10*" and inserting "*$50*".

Amend the bill as a whole by deleting sections 17 through 31 and the text of repealed sections.

Amend the title of the bill to read as follows:

"An Act relating to vehicles; reducing the fee charged for a certificate of dismantling; allowing a person who is authorized to issue citations for traffic violations to authorize the removal of a vehicle that is in violation of a parking ordinance; revising the provisions concerning the issuance of identification cards to a licensed automobile wrecker; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes related to dismantling and towing of motor vehicles. (BDR 43-1174)".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 563.

Bill read second time.

The following amendment was proposed by the Committee on Labor and Management:

Amendment No. 1001.

Amend sec. 2, page 1, line 3, by deleting: "*A self-insured employer*" and inserting "*An insurer*".

Amend sec. 2, page 1, line 5, after "*compensation.*" by inserting: "*The insurer shall deliver the compensation to any person or place designated by the employee.*".

Amend sec. 3, page 1, by deleting line 8 and inserting: "*course and scope of his employment submit, at the time of the injury, to a test to*".

Amend sec. 3, page 1, lines 11 and 12, by deleting: "*an articulable reason*" and inserting "*probable cause*".

Amend sec. 3, page 1, by deleting lines 14 through 16 and inserting:

"*2. Attempt to dissuade an employee who is injured in the course and scope of his employment from filing a claim pursuant to this chapter or chapter 617 of NRS.*".

Amend sec. 3, page 1, line 17, by deleting: "*In any manner interfere*" and inserting "Interfere".

Amend sec. 3, page 1, after line 18 by inserting:

"4. Attempt to intimidate an employee from filing a claim for compensation, requesting medical treatment, requesting a rating of his disability, appealing any other issue to a hearing officer or appeals officer or from seeking judicial review of any matter related to industrial insurance.

5. Attempt to prevent an employee from filing a complaint with the department or division or discriminate against an employee who files such a complaint or cooperates with the department or division in the investigation of such a complaint.".

Amend the bill as a whole by adding new sections designated sections 4 through 6, following sec. 3, to read as follows:

"Sec. 4. NRS 616.647 is hereby amended to read as follows:

616.647 1. Except as otherwise provided in subsection 2, if the administrator determines that an insurer, organization for managed care, health care provider, third-party administrator or employer has:

(a) Induced a claimant for compensation to fail to report an accidental injury or occupational disease;

(b) Persuaded a claimant to settle for an amount which is less than reasonable;

(c) Persuaded a claimant to settle for an amount which is less than reasonable while a hearing or an appeal is pending;

(d) Persuaded a claimant to accept less than the compensation found to be due him by a hearing officer or appeals officer;

(e) Refused to pay or unreasonably delayed payment to a claimant of compensation found to be due him by a hearing officer or appeals officer;

(f) Made it necessary for a claimant to resort to proceedings against the employer or insurer for compensation found to be due him by a hearing officer or appeals officer;

(g) Failed to comply with the department's regulations covering the payment of an assessment relating to the funding of costs of administration of this chapter and chapter 617 of NRS; [or]

(h) Intentionally or repeatedly failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 617 of NRS [,] ;

(i) Required as a matter of policy that every employee who is injured in the course and scope of his employment submit, at the time of the injury, to a test to determine the presence of alcohol or a controlled substance;

(j) Attempted to dissuade an employee who is injured in the course and scope of his employment from filing a claim pursuant to this chapter or chapter 617 of NRS;

(k) Interfered with the prompt filing of a notice of injury or claim for compensation pursuant to NRS 616.500;

(l) Attempted to intimidate an employee from filing a claim for compensation, requesting medical treatment, requesting a rating of his disability, appealing any other issue to a hearing officer or appeals officer or from seeking judicial review of any matter related to industrial insurance; or

(m) Attempted to prevent an employee from filing a complaint with the department or division,

the administrator shall impose an administrative fine of not more than $250 for each initial violation which was not intentional, or a fine of not more than $1,000 for each intentional or repeated violation.

2. In addition to any fine imposed pursuant to subsection 1, the administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures used to calculate an assessment an administrative penalty of up to twice the amount of any underpaid assessment.

3. If the administrator determines that a person has violated any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of [this act,] *Senate Bill No. 316 of this session,* the administrator shall impose an administrative fine of not more than $10,000.

4. Two or more fines of $1,000 imposed in 1 year for acts enumerated in subsection 1 must be considered by the commissioner as evidence for the revocation of a certificate of self-insurance.

5. The commissioner may withdraw the certification of a self-insured employer if, after a hearing, it is shown that the self-insured employer violated any provision of subsection 1.

Sec. 5. Section 205 of Senate Bill No. 316 of this session is hereby amended to read as follows:

"Sec. 205. NRS 616.647 is hereby amended to read as follows:

616.647 1. Except as otherwise provided in subsection 2, if the administrator determines that an insurer, organization for managed care, health care provider, third-party administrator or employer has:

(a) Induced a claimant for compensation to fail to report an accidental injury or occupational disease;

(b) Persuaded a claimant to settle for an amount which is less than reasonable;

(c) Persuaded a claimant to settle for an amount which is less than reasonable while a hearing or an appeal is pending;

(d) Persuaded a claimant to accept less than the compensation to which he is entitled;

(e) Refused to pay or unreasonably delayed payment to a claimant of compensation to which he is entitled;

(f) Made it necessary for a claimant to resort to proceedings against the employer or insurer for compensation to which he is entitled;

(g) Failed to comply with the department's regulations covering the payment of an assessment relating to the funding of costs of administration of this chapter and chapter 617 of NRS;

(h) Intentionally or repeatedly failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 617 of NRS;

(i) Required as a matter of policy that every employee who is injured in the course and scope of his employment submit, at the time of the injury, to a test to determine the presence of alcohol or a controlled substance;

(j) Attempted to dissuade an employee who is injured in the course and scope of his employment from filing a claim pursuant to this chapter or chapter 617 of NRS;

(k) Interfered with the prompt filing of a notice of injury or claim for compensation pursuant to NRS 616.500;

(l) Attempted to intimidate an employee from filing a claim for compensation, requesting medical treatment, requesting a rating of his disability, appealing any other issue to a hearing officer or appeals officer or from seeking judicial review of any matter related to industrial insurance; or

(m) Attempted to prevent an employee from filing a complaint with the department or division,

the administrator shall impose an administrative fine of not more than $250 for each initial violation which was not intentional, or a fine of not more than $1,000 for each intentional or repeated violation.

2. In addition to any fine imposed pursuant to subsection 1, the administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures used to calculate an assessment an administrative penalty of up to twice the amount of any underpaid assessment.

3. If the administrator determines that a person has violated any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of Senate Bill No. 316 of this session, the administrator shall impose an administrative fine of not more than $10,000.

4. Two or more fines of $1,000 imposed in 1 year for acts enumerated in subsection 1 must be considered by the commissioner as evidence for the [revocation] *withdrawal* of a certificate of self-insurance [.] *to act as a self-insured employer or an association of self-insured public or private employers.*

5. The commissioner may withdraw the certification of a self-insured employer *or an association of self-insured public or private employers* if, after a hearing, it is shown that the self-insured employer *or association* violated any provision of subsection 1.

Sec. 6. This act becomes effective on July 1, 1993.".

Amend the title of the bill to read as follows:

"An Act relating to industrial insurance; prohibiting an insurer from requiring that an injured employee personally appear at the job site to receive his compensation; prohibiting an employer from requiring every employee who is injured during the course and scope of his employment to submit to a test to determine the presence of alcohol or a controlled substance; making various other changes related to prohibiting an employer from engaging in conduct which may prevent an injured employee from filing a claim for compensation; and providing other matters properly relating thereto.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 645.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 978.

Amend section 1, page 1, line 26, by deleting "*1 year;*" and inserting: "*any 12-month period;*".

Amend sec. 3, page 2, line 42, after "*director*" by inserting: "*, for good cause shown and after notice and opportunity for hearing,*".

Amend sec. 7, page 4, line 17, by deleting "*may,*" and inserting "*shall,*".

Amend sec. 8, page 5, line 13, before "*for*" by inserting: "*, for good cause shown and after notice and opportunity for hearing,*".

Amend sec. 9, page 5, line 30, after "*director*" by inserting: "*, for good cause shown and after notice and opportunity for hearing,*".

Amend sec. 10, page 6, line 31, after "*director*" by inserting: "*, for good cause shown and after notice and opportunity for hearing,*".

Amend sec. 10, page 6, line 45, after "*director*" by inserting: "*, for good cause shown and after notice and opportunity for hearing,*".

Amend sec. 11, page 7, line 41, by deleting: "*The director may*" and inserting: "*The director, for good cause shown and after notice and opportunity for hearing, may*".

Amend sec. 11, page 8, line 7, after "*director*" by inserting: "*, for good cause shown and after notice and opportunity for hearing,*".

Amend sec. 13, page 9, line 10, after "*director*" by inserting: "*, for good cause shown and after notice and opportunity for hearing,*".

Amend sec. 13, page 9, line 23, after "*director*" by inserting: "*, for good cause shown and after notice and opportunity for hearing,*".

Amend the bill as a whole by adding a new section designated sec. 15, following sec. 14, to read as follows:

"Sec. 15. 1. This section and sections 7 and 14 of this act become effective upon passage and approval.

2. Sections 1 to 6, inclusive, and 8 to 13, inclusive, of this act become effective on October 1, 1993.".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 680.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 957.

Amend section 1, page 1, line 7, by deleting "or" and inserting "[or]".

Amend section 1, page 1, by deleting line 9 and inserting: "safety as a dealer [, rebuilder or automobile wrecker.] *; or*

(d) Any other person authorized by the department of motor vehicles and public safety to perform such appraisals.".

Amend section 1, page 1, by deleting lines 13 and 14 and inserting: "department of taxation shall, if an authorized appraisal is".

Amend section 1, pages 1 and 2, by deleting line 19 on page 1 and lines 1 through 9 on page 2 and inserting:

"(b) Use] , *use* as the vehicle's sales price the amount stated on the authorized appraisal [, the cost of the vehicle as evidenced by the copy of the bill of sale] or $100, whichever is greater.

3. The department of motor vehicles and public safety shall establish *by regulation the procedure for appraising vehicles and establish* and make available a form for an authorized appraisal.".

Amend section 1, page 2, line 11, by deleting: "[and] *or the* bill of sale" and inserting: "[and bill of sale]".

Amend section 1, page 2, line 19, by deleting: "*or a notarized copy of a bill of sale*".

Amend the title of the bill by deleting the first and second lines and inserting:

"An Act relating to the local school support tax; revising the provision concerning authorized appraisals of vehicles for the purpose of computing".

Amend the summary of the bill to read as follows:

"Summary—Revises provision concerning appraisal of certain vehicles for purposes of local school support tax. (BDR 32-412)".

Assemblyman McGaughey moved the adoption of the amendment.

Remarks by Assemblyman McGaughey.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 434.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1154.

Amend sec. 11.5, page 4, by deleting lines 2 through 15 and inserting:

"654.120 1. The secretary of the board shall receive and account for all money paid to the board pursuant to this chapter. The secretary of the board shall deposit the money in banks or savings and loan associations in the State of Nevada.

2. Except as otherwise provided in subsection 5, all money received by the board pursuant to this chapter must be used to:

(a) Pay the [salaries and] per diem and travel expenses of the members [and employees] of the board.

(b) *Pay the salaries and per diem and travel expenses of the employees of the board.*

(c) Administer the provisions of this chapter.

3. Any money which remains at the end of the fiscal year must be retained by the board for future disbursement for the purposes enumerated in subsection 2.

4. The board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect fines and penalties therefor and deposit the money therefrom in banks or savings and loan associations in this state.

5. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 4 and the board deposits the money collected from the imposition of fines with the state treasurer for credit to the state general fund, it may present a claim to the state board of examiners for recommendation to the interim finance committee if money is needed to pay attorney's fees or the costs of an investigation, or both.".

Amend sec. 17, page 6, by deleting lines 2 through 17 and inserting:

"654.190 1. The board may, after notice and hearing, impose an administrative fine of not more than $2,500 on and suspend or revoke the license of any nursing facility administrator *or administrator of a residential facility for groups* who:

(a) Is convicted of a felony, or of any offense involving moral turpitude.

(b) Has obtained his license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.001 to 449.240, inclusive, as those provisions pertain to a facility for skilled nursing , [or] facility for intermediate care [.] *or residential facility for groups.*

(e) Violates any regulation of the board prescribing additional standards of conduct for nursing facility administrators [.] *or administrators of residential facilities for groups.*

2. The board shall give a licensee against whom proceedings are brought [under] *pursuant to* this section written notice of *a* hearing not less than 10 days before the date of the hearing.

3. If discipline is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the board.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 558, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 368, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Commerce, to which was referred Senate Bill No. 361, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 287 be placed on the General File.

Motion carried.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Smith, Scherer and Anderson as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 361.

GENERAL FILE AND THIRD READING

Assembly Bill No. 287.

Bill read third time.

The following amendment was proposed by the Committee on Labor and Management:

Amendment No. 1000.

Amend section 1, page 1, line 3, by deleting: "[of industrial relations]".

Amend section 1, page 1, line 6, by deleting "[of insurance]".

Amend section 1, page 1, line 9, by deleting "NRS 616.338" and inserting "616.338".

Amend section 1, page 1, lines 10 and 11, by deleting "administrative appeals" and inserting "contested claims".

Amend section 1, page 1, by deleting line 12 and inserting: "616.544, inclusive, and section 79 of [this act.] *Senate Bill No. 316 of this session.* The system is responsible for administrative appeals".

Amend section 1, page 1, line 16, by deleting: "[of industrial insurance regulation]".

Amend section 1, page 2, line 8, by deleting: "commissioner . [of insurance.]" and inserting "commissioner.".

Amend sec. 2, page 2, line 18, by deleting "[NRS]".

Amend sec. 2, page 2, lines 19 and 20, by deleting "administrative appeals" and inserting "contested claims".

Amend sec. 2, page 2, line 21, by deleting "inclusive." and inserting: "inclusive, and section 79 of Senate Bill No. 316 of this session.".

Amend sec. 5, page 3, line 29, by deleting "*The*".

Amend sec. 5, page 3, by deleting lines 30 through 38.

Amend sec. 5, page 3, line 45, by deleting "105" and inserting "[105] *135*".

Amend sec. 6, page 4, line 33, by deleting: "The commissioner shall".

Amend sec. 6, page 4, by deleting lines 34 through 42.

Amend sec. 6, page 5, line 2, by deleting "105" and inserting "135".

Amend the bill as a whole by renumbering sec. 8 as sec. 9 and adding a new section designated sec. 8, following sec. 7, to read as follows:

"Sec. 8. Section 108 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 108. NRS 616.182 is hereby amended to read as follows:

616.182 1. Except as otherwise provided in this section, the department shall regulate insurers under this chapter and chapter 617 of NRS and investigate insurers regarding compliance with statutes and the department's regulations.

2. The commissioner is responsible for reviewing rates, investigating the solvency of insurers and certifying self-insured employers , *associations of self-insured public or private employers* and third-party administrators pursuant to NRS 616.291 to 616.298, inclusive, 616.338 and chapter 683A of NRS [.] *and sections 25 to 51, inclusive, of this act.*

3. The department of administration is responsible for contested claims relating to workers' compensation pursuant to NRS 616.541 to 616.544, inclusive, and section 79 of [Senate Bill No. 316 of this session.] *this act.* The system is responsible for administrative appeals pursuant to NRS 616.392.

4. The Nevada attorney for injured workers is responsible for legal representation of claimants pursuant to NRS 616.253 to 616.2539, inclusive.

5. The division is responsible for the investigation of complaints. If a complaint is filed with the division by an employee of a self-insured employer [,] *or of an employer who is a member of an association of self-insured public or private employers,* or by a third-party administrator or provider of medical care regarding compliance [of a self-insured employer] with statutes or the department's regulations, the administrator shall cause to be conducted an investigation which includes a review of relevant records and interviews of affected persons.

6. If an investigation conducted pursuant to subsection 5 indicates that a self-insured employer *or an association of self-insured public or private employers* has failed to comply with a statute or regulation, the administrator may order that an evidentiary hearing take place. Upon a finding that [material] *intentional or repeated* noncompliance has occurred, the administrator shall impose [a fine of not more than $2,500 against the self-insured employer.] *an administrative fine of not more than $250 for each initial noncompliance which was not intentional, or a fine of not more than $1,000 for each intentional or repeated noncom-*

pliance. Two or more findings of material noncompliance within a 12-month period constitute grounds for the suspension of the self-insured employer's *or association's* certification by the commissioner.".

Amend sec. 8, page 6, lines 10 and 11, by deleting: "December 31, 1993." and inserting: "July 1, 1995.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Evans moved that the Assembly do not recede from its action on Senate Bill No. 61, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Evans.

Motion carried.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Freeman, de Braga and Augustine as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 61.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 531.

The following Senate amendment was read:

Amendment No. 1071.

Amend sec. 29, page 15, by deleting lines 1 through 14 and inserting: "*the* prospective members of the town board must be elected at the same *general* election in which the proposal is submitted to the electors.

2. Any person who is a resident, is a qualified elector and desires to become a candidate for the position of member of a town board must, within the time specified by subsection 3, file in the office of the county clerk a notice of his intention to become [such] a candidate. The notice of intention must show that [such a] *the* person possesses the qualifications required by this section. Each person filing the notice of intention as required by this section is entitled to have his name placed on the official ballot.

3. [If the initiative petition and the election of the members of the town board are submitted to the electors:

(a) At a special election, the notice of intention required by subsection 2 must be filed at least 30 days before the date of the election.

(b) At a general election, the] *The* notice of intention required by subsection 2 must be filed not later than 5 p.m. on the second Tuesday in May of the year in which the election is held.

4. If the proposal to establish a town board form of government is approved at the election, members of the town board elected pursuant to this section [shall serve as such] *serve as* members until the next general election.".

Amend the bill as a whole by deleting sec. 142 and renumbering sections 143 and 144 as sections 142 and 143.

Assemblyman Myrna Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 531.

Remarks by Assemblyman Myrna Williams.

Motion carried.

Bill ordered enrolled.

Assembly Joint Resolution No. 11.

The following Senate amendment was read:

Amendment No. 714.

Amend the resolution, page 1, by deleting lines 2 through 19 and inserting:

"JOINTLY, That section 2 of article 4 of the constitution of the State of Nevada be amended to read as follows:

Sec. 2. *1.* The sessions of the Legislature shall be biennial, and shall commence on the [3rd] *first* Monday of [January next ensuing the election of members of the Assembly,] *February,* unless the Governor of the State , [shall,] in the interim, [convene] *convenes* the Legislature by proclamation.

2. The Legislature shall adjourn sine die each regular session not later than midnight Pacific standard time 120 calendar days following its commencement. Any legislative action taken after midnight Pacific standard time on the 120th calendar day is void, unless the legislative action is conducted during a special session convened by the Governor.

3. The Governor shall submit the proposed executive budget to the Legislature not later than 7 calendar days before the commencement of each regular session.".

Amend the title of the resolution to read as follows:

"ASSEMBLY JOINT RESOLUTION—Proposing to amend the Nevada constitution to limit the length of each regular session and to require the governor to submit a proposed executive budget before the commencement of each regular session.".

Amend the summary of the resolution to read as follows:

"Summary—Proposes to amend Nevada constitution to limit length of each regular session and to require governor to submit proposed executive budget before commencement of each regular session. (BDR C-12)".

Assemblyman Myrna Williams moved that the Assembly do not concur in the Senate amendment to Assembly Joint Resolution No. 11.

Remarks by Assemblyman Myrna Williams.

Motion carried.

Resolution ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Sader moved that the Assembly do not recede from its action on Senate Bill No. 79, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Sader.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Sader, Schneider and Carpenter as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 79.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 349.

The following Senate amendment was read:

Amendment No. 1026.

Amend sec. 5, page 5, by deleting lines 22 and 23 and inserting:

"(2) Impose a civil penalty of not more than $2,500 for a single violation or $100,000 for multiple violations in a single proceeding or a".

Amend sec. 5, page 5, line 39, by deleting "chapter." and inserting: "chapter. If a remedial action is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the administrator.".

Amend the bill as a whole by adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. Section 5 of this act becomes effective at 12:01 a.m. on October 1, 1993.".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 349.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 654.

The following Senate amendment was read:

Amendment No. 1025.

Amend sec. 9, page 4, line 43, by deleting "and".

Amend sec. 9, page 4, line 45, by deleting "arrests." and inserting "arrests; and

29. Forensic technicians and correctional officers employed in the program for mentally disordered offenders of the mental hygiene and mental retardation division of the department of human resources.".

Amend the bill as a whole by adding a new section designated sec. 10, following sec. 9, to read as follows:

"Sec. 10. Section 9 of this act becomes effective at 12:01 a.m. on October 1, 1993.".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 654.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 8.

The following Senate amendment was read:

Amendment No. 1038.

Amend section 1, page 1, line 21, by deleting: "of Nevada System," and inserting: "and Community College System of Nevada,".

Amend section 1, page 1, line 23, by deleting: "of Nevada System" and inserting: "and Community College System of Nevada".

Amend section 1, page 2, line 5, by deleting "*16*" and inserting "*12*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 8.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 692.

The following Senate amendment was read:

Amendment No. 1120.

Amend the bill as a whole by renumbering sections 6 and 7 as sections 8 and 9 and adding new sections designated sections 6 and 7, following sec. 5, to read as follows:

"Sec. 6. NRS 538.161 is hereby amended to read as follows:

538.161 The commission shall:

1. Collect and arrange all data and information connected with the Colorado River and its tributaries which may affect or be of interest to this state.

2. Represent and act for the State of Nevada in the negotiation and execution of contracts, leases or agreements for the use, exchange, purchase or transmission of power from any source, or for the planning, development or ownership of facilities for the generation or transmission of electricity, both within and outside Nevada, for the greatest possible benefit to this state, and present such contracts, leases or agreements to the governor for his information. The commission may contract for the supply of electric energy to any corporation or cooperative created under the laws of this state that is being operated principally for service to Nevada residents and may be serving incidental energy to residents of other states contiguous to its service area in Nevada. If such a corporation or cooperative so requests, the commission may contract to supply electric energy directly for the corporation or cooperative.

3. Represent the State of Nevada in such interstate or other conferences or conventions as may be called for the consideration of the development of

reclamation and power projects connected with the Colorado River or its tributaries, or in connection with Hoover Dam or other federally operated dams.

4. Render the friendly cooperation of the State of Nevada to constructive enterprises concerned with the conservation of the waters of the Colorado River and its tributaries and the development of power thereon.

5. Render friendly cooperation to industries located in other states, negotiate with them and invite them to locate within Nevada.

6. Negotiate with the representatives of other states and the United States in an endeavor to settle equitably and define the rights of the states and of the United States in the water of the Colorado River and its tributaries.

7. Make and enter into agreements, compacts or treaties between the State of Nevada and the States of Arizona, California, Colorado, New Mexico, Utah, Washington, Oregon, Idaho and Wyoming, either jointly or severally. The agreements, compacts or treaties are not binding upon the State of Nevada until ratified and approved by the legislature and governor of the State of Nevada.

8. [Represent the State of Nevada in consultations with other states, the United States, foreign countries and nongovernmental persons, and negotiate, make and enter into agreements between the State of Nevada and those entities, either jointly or severally, concerning the:

(a) Interstate or international transfer of water to supplement the supply of water in the Colorado River which is available for use in this state;

(b) Augmentation of the waters of the Colorado River and its tributaries through the modification of the weather and the use of such other measures as are appropriate, and the control of the salinity of those waters; and

(c) Operation of federal dams and other facilities on the Colorado River and its tributaries.

9.] Report to the governor such measures and legislative action as it deems necessary to secure to the people of Nevada all possible benefits from the water of the Colorado River allocated to or contracted by the State of Nevada and the power allocated to or contracted by the State of Nevada to be generated at Hoover Dam or elsewhere within the Colorado River stream system or from any power development in the western United States for the greatest possible benefit to the State of Nevada.

[10.] *9.* Cooperate with other states or federal agencies to establish, conduct and maintain power, water and irrigation projects.

Sec. 7. NRS 538.181 is hereby amended to read as follows:

538.181 1. The commission shall hold and administer all rights and benefits pertaining to the distribution of the power and water mentioned in NRS 538.041 to 538.251, inclusive, for the State of Nevada, and may lease, sublease, let, sublet, contract, exchange or sell the power and water, including the transmission and other distribution services, on such terms as the commission determines.

2. Every applicant, except a federal or state agency or political subdivision, for power or water to be used within the State of Nevada must, before the application is approved, provide an indemnifying bond by a corporation

qualified under the laws of this state, or other collateral, approved by the state board of examiners, payable to the State of Nevada in such sum and in such manner as the commission may require, conditioned for the full and faithful performance of the lease, sublease, contract or other agreement.

3. The power and water must not be sold for less than the actual cost to the State of Nevada.

4. Except as otherwise provided in subsection 5, before any such sale or lease is made, a notice of it must be advertised in two papers of general circulation published in the State of Nevada at least once a week for 2 weeks . [; and the] *The* commission shall require any person desiring to make objection thereto to file the objection with the commission within 10 days after the date of the last publication of the notice. If any objection is filed, the commission shall set a time and place for a hearing of the objection not more than 30 days after the date of the last publication of the notice.

5. The provisions of subsection 4 do not apply to:

(a) Any contract by the commission to sell supplemental power to a holder of a long-term firm contract with the state for power if the supplemental power is procured by the commission from a prearranged source and is secured by the holder for his own use; or

(b) Any agreement by the commission to sell short-term or interruptible power on short notice for immediate acceptance to a holder of a long-term firm contract with the state for power who can take delivery of the short-term or interruptible power when it is available.

6. Except as otherwise provided in subsection 2 of NRS 538.251, any such lease, sublease, contract or sale, either of the water or power is not binding upon the State of Nevada until ratified and approved by the governor and, where required by the provisions of subsection 2 of NRS 538.211, until approved by the United States.

7. *The commission shall, upon the expiration of a contract for the sale of power which is in effect on July 1, 1993, offer to the purchaser the right to renew the contract. If the commission is unable to supply the amount of power set forth in the contract because of a shortage of power available for sale, it shall reduce, on a pro rata basis, the amount of power it is required to sell pursuant to the renewed contract.*

8. Notwithstanding any provision of chapter 704 of NRS, any purchase of power or water for distribution or exchange, and any subsequent distribution or exchange of power or water by the commission is not subject to regulation by the public service commission of Nevada.".

Amend the title of the bill, first line, after "membership;" by inserting: "eliminating certain duties of the commission relating to the making of agreements with other governmental entities for the use of the waters of the Colorado River and certain other facilities; requiring the commission to offer to renew certain contracts for the sale of power;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to Colorado River commission. (BDR 48-2008)".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 692.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 429, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 507, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 558; Senate Bills Nos. 361, 368, 507 be placed on the Second Reading File.

Motion carried.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 2:45 p.m.

ASSEMBLY IN SESSION

At 3:02 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spitler moved that Assembly Bill No. 311 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 558.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1134.

Amend sec. 8, page 2, line 5, by deleting the colon and inserting: "issued by the department:".

Amend sec. 8, page 2, line 12, by deleting the semicolon and inserting: "for motor vehicles;".

Amend sec. 8, page 2, line 13, by deleting the semicolon and inserting: "for motor vehicles;".

Amend sec. 8, page 2, between lines 44 and 45, by inserting:

"6. The director shall, by regulation, provide for a credit against the fees required by this section in an amount equal to any other fee paid for the same period by a garageman to the department which relates to the operation of the garage.".

Amend sec. 12, page 3, line 46, after the period by inserting: "The director shall establish a procedure whereby a person aggrieved by his decision may request the advisory board on automotive affairs to:

(a) Review the record and proceedings, if any, regarding the complaint and the director's written decision; and

(b) Submit its comments and recommendations, if any, to the director for his consideration.

Upon receipt of the comments of the advisory board, the director may uphold his original decision or modify it.".

Amend sec. 14, page 4, line 13, by deleting the semicolon and inserting: ", unless the condition of the motor vehicle prevents such a reading;".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblyman Perkins.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 361.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1016.

Amend sec. 2, page 1, line 4, by deleting: "*commission on economic development.*" and inserting: "*office of the governor.*".

Amend sec. 2, page 1, by deleting line 6 and inserting: "*neering and technology. In making the appointment, the*".

Amend sec. 2, page 1, by deleting line 16 and inserting:

"*3. The director shall serve at the pleasure of the governor.*".

Amend sec. 3, page 2, by deleting lines 8 through 10.

Amend sec. 3, page 2, line 11, by deleting "*2.*" and inserting "*1.*".

Amend sec. 3, page 2, line 13, by deleting "*3.*" and inserting "*2.*".

Amend sec. 3, page 2, line 17, by deleting "*4.*" and inserting "*3.*".

Amend sec. 3, page 2, between lines 31 and 32, by inserting:

"*4. Shall not overlap or duplicate any work performed by the state climatologist, state engineer, state health officer or the executive director of the agency for nuclear projects.*".

Amend sec. 5, page 2, by deleting lines 45 and 46.

Amend sec. 5, page 3, line 1, by deleting "*2. Regularly*" and inserting "*1. Periodically*".

Amend sec. 5, page 3, line 4, by deleting "*3.*" and inserting "*2.*".

Amend the bill as a whole by deleting sec. 6 and renumbering sec. 7 as sec. 6.

Amend the title of the bill to read as follows:

"An Act relating to the office of the governor; establishing the office of science, engineering and technology within the office of the governor; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Establishes office of science, engineering and technology within office of governor. (BDR 18-1797)".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to the Concurrent Committee on Ways and Means.

Senate Bill No. 368.

Bill read second time and ordered to third reading.

Senate Bill No. 507.

Bill read second time and ordered to third reading.

Assembly Bill No. 311.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1093.

Amend sec. 2, page 2, by deleting lines 15 and 16 and inserting:

"*5.* The "practice of architecture" consists of [holding out to the public, and] rendering or offering to render [,] services embracing the scientific,".

Amend sec. 2, page 2, line 17, by deleting "[and] *or*" and inserting "and".

Amend sec. 2, page 2, line 19, by deleting "[and] *or*" and inserting "and".

Amend sec. 7, page 4, line 7, by deleting "[$500] *$10,000,*" and inserting "$10,000,".

Amend sec. 7, page 4, between lines 30 and 31, by inserting:

"If discipline is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the board.".

Amend sec. 10, page 5, by deleting lines 43 and 44 and inserting:

"(1) Buildings for his own private residential use; [or]

(2) Farm or ranch buildings used as such [.] *; or*

(3) The design, selection or arrangement of furnishings, equipment, cabinetry, fixtures or interior finish materials.".

Amend sec. 10, page 6, between lines 3 and 4, by inserting:

"*4. A document that is required to be submitted for the issuance of a building permit and which is submitted by a person exempted by the provisions of subparagraph (3) of paragraph (e) must contain on the face of each sheet a declaration as follows: This document is not a drawing prepared by an architect, residential designer or engineer.*".

Amend the bill as a whole by adding a new section designated sec. 14, following sec. 13, to read as follows:

"Sec. 14. Section 7 of this act becomes effective at 12:01 a.m. on October 1, 1993.".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 687, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved that Senate Bill No. 250 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Myrna Williams.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 250.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1190.

Amend the bill as a whole by deleting sec. 2 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. *"Deputy clerk" means a deputy clerk for early voting who is appointed pursuant to section 20.3 of this act to serve as the election officer in charge of the polling place for early voting.*".

Amend sec. 14, page 2, line 30, by deleting "*a voting*" and inserting "*an election*".

Amend the bill as a whole by deleting sec. 20 and adding new sections designated sections 20 through 20.9, following sec. 19, to read as follows:

"Sec. 20. *1. If a request is made to vote early by a registered voter in person, the county clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk. The clerk shall follow the same procedure as in the case of absent ballots received by mail.*

2. From the third Saturday preceding an election through the Friday before the election, Sundays excepted, each county clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued ballots for early voting in accordance with this section.

Sec. 20.1. *1. The county clerk may establish permanent polling places for early voting by personal appearance at locations designated by him*

throughout the county. Except as otherwise provided in subsection 2, any person entitled to vote early by personal appearance may do so at any polling place for early voting.

2. If it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county, he may:

(a) Provide appropriate forms of ballots for all offices within a county commissioner election district; and

(b) Limit voting at that polling place to registered voters in that district.

Sec. 20.15. *1. The period for early voting by personal appearance begins on the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays excepted.*

2. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8.a.m. until 8 p.m.

(b) On any Saturday that falls within the period for early voting, from 10 a.m. until 6 p.m.

Sec. 20.2. *1. In addition to permanent polling places for early voting, the county clerk may establish temporary branch polling places for early voting.*

2. The provisions of subsection 2 of section 20.15 of this act do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

Sec. 20.25. *1. The county clerk shall publish during the week before the period for early voting and at least once each week during the period for early voting in a newspaper of general circulation a schedule stating:*

(a) The location of each permanent and temporary polling place for early voting and the election precincts served by each location.

(b) The dates and hours that early voting will be conducted at each location.

2. A copy of the schedule must also be posted on the bulletin board used for posting notice of meetings of the board of county commissioners. The schedule must be posted continuously for a period beginning not later than the fifth day before the first day of the period for early voting by personal appearance and ending on the last day of that period.

3. The county clerk shall make copies of the schedule available to the public in reasonable quantities without charge during the period of posting.

4. No additional polling places for early voting may be established after the schedule is published pursuant to this section.

Sec. 20.3. *1. The county clerk shall appoint for each polling place for early voting a deputy clerk for early voting who must serve as the election officer in charge of the polling place.*

2. The county clerk may also appoint as many additional deputy clerks as he deems necessary for the proper conduct of the election.

Sec. 20.35. *1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:*

(a) Determine that the person is a registered voter in the county;

(b) Instruct the voter to sign the roster for early voting; and

(c) Verify the signature of the voter against that contained on the original affidavit of registration, or the card issued to the voter at the time of registration, or other piece of official identification.

2. The county clerk shall prescribe a procedure, approved by the secretary of state, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

(a) The voter's name, the address where he is registered to vote, his voter identification number and a place for the voter's signature;

(b) The voter's precinct number; and

(c) The date of voting early in person.

4. When a voter is found to be entitled to cast his ballot and has identified himself to the satisfaction of the deputy clerk for early voting, he is entitled to receive the appropriate ballot or ballots, but only for his own use at the polling place for early voting.

5. The deputy clerk for early voting shall:

(a) Mark the voter's precinct on the bottom left-hand side of the card and the form of ballot on the bottom right-hand side of the card;

(b) Direct the voter to the appropriate voting machine for his form of ballot; and

(c) Allow the voter to place his voted ballot in the ballot box.

6. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 20.4. *1. The ballot box for early voting in which voted ballots are deposited must have two locks, each with a different key and must be designed and constructed so that the box can be sealed to detect any unauthorized opening of the box and that the ballot slot can be sealed to prevent any unauthorized deposit in the box. The seals for the boxes must be serially numbered for each election.*

2. During the period for early voting by personal appearance, the county clerk shall keep the key to one of the locks to the ballot box for early voting and a designated custodian, not under the authority of the county clerk, shall keep the key to the second lock.

3. Each custodian shall retain possession of the key entrusted to him until it is delivered to the ballot board for early voting.

Sec. 20.45 *1. A plan for the security of unvoted ballots for early voting must be submitted to the secretary of state for approval no later than 90 days before the election at which early voting is to be conducted.*

2. At the close of early voting each day, the deputy clerk for early voting shall secure each voting machine used for early voting in a manner prescribed by the secretary of state so that its unauthorized operation is prevented.

3. All materials for early voting must be delivered to the county clerk's office at the close of voting on the last day for voting at the polling place for early voting.

Sec. 20.5. *1. A ballot board for early voting must be appointed by the county clerk to handle early voting ballots for that county.*

2. The board must consist of two co-chairmen who must be of different political parties and at least two other members who may be of the same political party as one of the co-chairmen but must not be of the same political party as any other member.

Sec. 20.55. *1. During the period for early voting by personal appearance, the ballots voted at the permanent or temporary polling place must be delivered by an election board officer to the county clerk's office at the close of each voting day. The seal on the ballot box must indicate the number of voted ballots contained in that box for that day.*

2. When the ballot box is delivered pursuant to subsection 1, the county clerk shall provide a new ballot box locked in the manner prescribed in section 20.4 of this act.

3. At the close of the fourth voting day before the last day to vote early and at the close of each of the 3 days thereafter, the county clerk shall deliver all ballots voted to the ballot board for early voting. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) Each remaining ballot box containing the ballots voted early by personal appearance and his key to each box;

(b) A voting roster of all persons who voted early by personal appearance; and

(c) Any list of registered voters used in conducting early voting.

4. Upon the call of the chairmen of the board, the custodian of the key to the second lock on the ballot boxes shall deliver his key for each box to the presiding officer.

5. Upon the receipt of ballots, the board shall:

(a) Remove all ballots from the ballot boxes and sort the ballots by precinct;

(b) Count the number of ballots by precinct;

(c) Account for all ballots on an official statement of ballots; and

(d) Place all official ballots in the container provided to transport those items to a central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the voted ballots to the central counting place.

Sec. 20.6. *1. The returns for early voting must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot.*

2. The county clerk shall develop a procedure to ensure that each ballot is kept secret.

Sec. 20.65. *1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 30 feet from the entrance to the voting area.*

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters "Polling Place for Early Voting"; and

(b) At the outer limits of the area within which electioneering is prohibited, a sign on which is printed in large letters "Distance Marker. No electioneering between this point and the entrance to the polling place."

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 20.7 *1. If a court of competent jurisdiction orders a county to extend the deadline for voting beyond the statutory deadline in a particular election, the county clerk shall, as soon as practicable after he receives notice of the court's decision:*

(a) Cause notice of the extended deadline to be published in a newspaper of general circulation in the county; and

(b) Transmit a notice of the extended deadline to each registered voter who requested an absent voter's ballot for the election and has not returned the ballot before the date on which the notice will be transmitted.

2. The notice required pursuant to paragraph (a) of subsection 1 must be published:

(a) In a county whose population is 30,000 or more, on at least 3 successive days.

(b) In a county whose population is less than 30,000, at least twice in successive issues of the newspaper.

Sec. 20.75. *1. In addition to any criminal penalty, a person who violates the provisions of this chapter is subject to a civil penalty in an amount not to exceed $20,000 for each violation. This penalty must be recovered in a civil action brought in the name of the State of Nevada by the attorney general or by any district attorney in a court of competent jurisdiction.*

2. Any civil penalty collected pursuant to this section must be deposited with the state treasurer for credit to the state general fund.

Sec. 20.8 *Any time before the close of registration a person who because of illness, disability or for other good cause shown requires assistance to complete an application to register to vote may request the county clerk in*

writing or by telephone to register him at his residence. Upon request, the county clerk shall direct the appropriate field registrar to go to the home of such a person to register him to vote.

Sec. 20.9 *Any person who engages in the business of receiving and distributing mail for customers shall provide the county clerk of the county in which the business is located with the street address of the business.*".

Amend sec. 32, page 7, line 42, by deleting the period and inserting: ", *or in any other manner deceive a voter regarding the person or principles for which he is voting.*".

Amend the bill as a whole by deleting sec. 36 and adding a new section designated sec. 36, following sec. 35, to read as follows:

"Sec. 36. NRS 293.213 is hereby amended to read as follows:

293.213 1. Whenever there were not more than 20 voters registered in a precinct for the last preceding general election, the county clerk may establish such precinct as a mailing precinct, and shall forthwith mail notification to the [deputy] *field* registrar for such precinct.

2. Except as otherwise provided by NRS 293.208, the county clerk in any county where an absent ballot central counting board is appointed may abolish two or more existing mailing precincts and combine those mailing precincts into absent ballot precincts and those precincts must be designated absent ballot mailing precincts.

3. In any county where an absent ballot central counting board is appointed, any established precinct which had less than 200 ballots cast at the last preceding general election, or any newly established precinct with less than 200 registered voters, may be designated an absent ballot mailing precinct.".

Amend sec. 42, page 12, line 3, by deleting "*or*".

Amend sec. 42, page 12, by deleting lines 4 through 11 and inserting:

"*(c) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or*

(d) Requests an absent ballot in person at the office of the county clerk.".

Amend the bill as a whole by adding a new section designated sec. 42.5, following sec. 42, to read as follows:

"Sec. 42.5. NRS 293.273 is hereby amended to read as follows:

293.273 1. Except as *otherwise* provided in subsection 2 and NRS 293.305, at all elections held under the provisions of this Title, the polls must open at 7 a.m. and close at 7 p.m.

2. Whenever at any election all the votes of the precinct or district, as shown on the checklist and roster, have been cast, the election board officers shall close the polls, and the counting of votes must begin and continue without unnecessary delay until the count is completed.

3. Upon opening the polls one of the election board officers shall cause a proclamation to be made that all present may be aware of the fact that applications of registered voters to vote will be received.

4. No person other than election board officers engaged in receiving, preparing or depositing ballots may be permitted inside the guardrail during

the time the polls are open, except [to examine a pollbook pursuant to NRS 293.301 or] by authority of the election board as necessary to keep order and carry out the provisions of this Title.".

Amend the bill as a whole by adding a new section designated sec. 44.5, following sec. 44, to read as follows:

"Sec. 44.5. NRS 293.301 is hereby amended to read as follows:

293.301 1. The county clerk of each county shall [allow not more than one representative from each political party for each precinct at a polling place to examine the pollbook four times during an election to determine the registered voters in that precinct who have not voted in the election. The examination of the pollbook must not interfere with the conduct of the election.

2. Each person who is authorized by a political party to examine the pollbooks shall provide proof of identity and a written statement from the county central committee which authorizes him to represent that political party at the polling place.] *require an election board officer or officers to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the county. The alphabetical listing must include the name, address and political affiliation of each voter. At the end of each hour that the polling place is open, up to and including 6 p.m., an election board officer shall identify the name of each voter that voted during the previous hour.*

2. Each page of the alphabetical listing must contain a notice which reads substantially as follows:

> *It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to subsection 1 of NRS 293.301.*

3. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or prevent others from readily ascertaining the name, address or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.".

Amend sec. 48, page 15, by deleting lines 42 through 45.

Amend sec. 48, page 15, line 46, by deleting "*6.*" and inserting "*5.*".

Amend sec. 49, page 16, by deleting lines 6 and 7 and inserting: "tion to that clerk for an absent voter's ballot. The application [is not] *must be made* available for public inspection . [except by:".

Amend sec. 49, page 16, line 13, by deleting "[When] *If*" and inserting "When".

Amend sec. 49, page 16, by deleting lines 15 through 22 and inserting: "inspect the application.]

2. When the voter has identified himself to the satisfaction of the clerk, he is entitled to receive the appropriate ballot or ballots, but only for his own use.

3. A county clerk who allows a person to copy information from an application for an absent ballot is immune from any civil or criminal liability

for any damage caused by the distribution of that information, unless he knowingly and willingly allows a person who intends to use the information to further an unlawful act to copy such information.".

Amend the bill as a whole by adding a new section designated sec. 51.5, following sec. 51, to read as follows:

"Sec. 51.5 NRS 293.327 is hereby amended to read as follows:

293.327 1. If a request for an absent ballot is made by a registered voter in person, [the county or] *a* city clerk shall issue an absent ballot to the registered voter, and the ballot must be voted on the premises of the clerk's office and returned to the clerk. The clerk shall follow the same procedure as in the case of absent ballots received by mail.

2. At least 25 days before [an] *a primary or general city* election until 5:00 p.m. the day before the election, each [county clerk and] city clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued absent ballots in accordance with this section.".

Amend the bill as a whole by adding a new section designated sec. 52.5, following sec. 52, to read as follows:

"Sec. 52.5. NRS 293.385 is hereby amended to read as follows:

293.385 1. After 8 a.m. on election day, the counting board, if it is responsible for counting absent ballots, or the absent ballot central counting board shall withdraw all the ballots received the previous day from absent voters' ballot boxes and ascertain that each box has the required number of ballots according to the county or city clerk's absent voters' ballot record.

2. If any absent ballots are received by the county or city clerk on election day, pursuant to NRS 293.316, the county or city clerk shall hold the ballots until ballots received before election day have been withdrawn pursuant to subsection 1. Thereafter, the county or city clerk shall deposit the absent ballots in the appropriate ballot boxes.

3. After 8 a.m. on election day, the appropriate board shall count in public the votes cast on the absent ballots.

4. If paper ballots are used, the results of the absent ballot vote in each precinct must be certified and submitted to the county or city clerk [, who shall] *who must* have the results added to the regular votes of the precinct. If a mechanical voting system is used in which a voter casts his ballot by punching a card which is counted by a computer, the absent ballots may be counted with the regular votes of the precinct. The [results of the absent ballot vote must not be identified separately from the regular votes of the precinct on any abstract or printout produced by a computer of the results of the election.] *returns of absent ballots must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot. The county and city clerks shall develop a procedure to ensure that each ballot is kept secret.*

5. Any person who disseminates to the public in any way information pertaining to the count of absent ballots before the polls close is guilty of a misdemeanor.".

Amend sec. 59, page 20, line 25, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 20, line 28, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 20, by deleting line 31 and inserting: "not be appointed or serve as a [deputy] *field* registrar. A [deputy] *field* registrar serves at".

Amend sec. 59, page 20, line 34, by deleting: "deputy registrar [may] *shall*" and inserting: "[deputy registrar] *field registrar shall*".

Amend sec. 59, page 20, line 37, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 20, line 40, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 20, line 45, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 20, line 46, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 21, line 3, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 21, line 5, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 21, line 10, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 21, line 11, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 59, page 21, by deleting line 18 and inserting:

"11. *When the county clerk receives affidavits of registration from a field registrar he shall issue a receipt to the field registrar. The receipt must include:*

(a) The number of persons registered; and

(b) The political party of the persons registered.

12. A county clerk or field registrar shall not:".

Amend sec. 59, page 21, by deleting line 27 and inserting: *13. If a field registrar violates any of the provisions of this section, the*".

Amend sec. 59, page 21, line 28, by deleting "*deputy*" and inserting "*field*".

Amend sec. 59, page 21, by deleting lines 30 and 31 and inserting:

"*14.* A person who violates any of the provisions of [this section] *subsections 8 to 12, inclusive,* is guilty of a [misdemeanor.] *felony.*".

Amend the bill as a whole by adding a new section designated sec. 59.5, following sec. 59, to read as follows:

"Sec. 59.5. NRS 293.5055 is hereby amended to read as follows:

293.5055 A county clerk or [deputy] *field* registrar may register, outside the boundaries of the county, any voter who is a resident of that county.".

Amend sec. 60, page 21, line 38, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 60, page 21, by deleting lines 40 through 47 and inserting:

"3. A form for an affidavit of registration must include a duplicate copy marked as the receipt to be retained by the affiant upon completion of the form.".

Amend sec. 61, page 22, line 11, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 61, page 22, line 16, by deleting "or" and inserting "[or]".

Amend sec. 61, page 22, by deleting line 17 and inserting:

"(c) Pursuant to the provisions of NRS *293.501 or*293.524 [.] *; or*

(d) At his residence with the assistance of a field registrar pursuant to section 20.8 of this act.".

Amend sec. 61, page 22, line 27, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 61, page 22, between lines 36 and 37, by inserting:

"6. After the county clerk determines that the affidavit of registration of a person is complete and that the person is eligible to vote, he shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.".

Amend the bill as a whole by adding a new section designated sec. 61.5, following sec. 61, to read as follows:

"Sec. 61.5. NRS 293.520 is hereby amended to read as follows:

293.520 The registration or reregistration of electors who are unable to sign their names must be made upon personal application of those electors at the office of the county clerk where they may be identified or in the presence of a [deputy] *field* registrar. The electors may use a mark or cross in place of a signature.".

Amend sec. 62, page 23, line 16, by deleting the period and inserting: "[.] *and a voter registration card as required by subsection 6 of NRS 293.517.*".

Amend sec. 62, page 23, line 25, by deleting the period and inserting: "[.] *and a voter registration card as required by subsection 6 of NRS 293.517.*".

Amend sec. 62, page 23, by deleting line 35 and inserting: "[described as a box in] *listed as* a post office [.] *box or is the same address as a business that receives and distributes mail for customers, unless a street address*".

Amend sec. 62, page 23, by deleting lines 39 through 46 and inserting:

"*(d) Include a duplicate copy marked as the receipt to be retained by the affiant upon completion of the form.*".

Amend sec. 62, page 24, by deleting lines 24 and 25 and inserting:

"*13. A person who willfully violates the provisions of subsection 10, 11 or 12 is guilty of a felony.*".

Amend sec. 63, page 25, line 3, by inserting an open bracket before "The".

Amend sec. 63, page 25, by deleting lines 5 through 11 and inserting: "submission of the application.] *Each application must include a duplicate copy marked as the receipt to be retained by the affiant upon completion of the form.*".

Amend the bill as a whole by adding a new section designated sec. 66.5, following sec. 66, to read as follows:

"Sec. 66.5. NRS 293.550 is hereby amended to read as follows:

293.550 Any elector of this state who has not registered to vote in this state, or who has registered but whose registration has been canceled, and who contemplates enlisting in, or has been inducted into, the Armed Forces of the United States may, at any time, appear before the county clerk of the county of his residence or the [deputy] *field* registrar thereof and register as a voter in the manner provided by law.".

Amend sec. 67, page 26, by deleting lines 39 through 48 and inserting:

"293.557 1. The county clerk shall cause to be published [in counties having a population under 100,000 and may cause to be published in counties having a population of 100,000 or more,] once in each of the newspapers circulated in different parts of the county a list of all registered voters [, segregated by precincts or districts,] within the circulation area of each newspaper, or cause to be published once in a newspaper circulated in the county [a segregated] *an alphabetical* listing *of all registered voters, including the precinct of each voter,* for the entire county:

(a) [At least 75 days] *Not less than 2 weeks* before *the close of registration for* any primary election.".

Amend sec. 68, page 27, between lines 34 and 35, by inserting:

"*4. The offices of the county clerk and ex officio registrars may remain open on October 31 in each even-numbered year.*".

Amend the bill as a whole by adding a new section designated sec. 68.5, following sec. 68, to read as follows:

"Sec. 68.5 NRS 293.650 is hereby amended to read as follows:

293.650 *1.* The conduct of any city election [must be] *is* under the control of the city council, and it shall by ordinance provide for the holding of the election, appoint the necessary officers thereof, and do all other things required to carry the election into effect.

2. Early voting must not be permitted in a city election.".

Amend sec. 69, page 27, line 38, by deleting "deputy" and inserting "[deputy] *field*".

Amend sec. 69, page 28, by deleting lines 9 through 12 and inserting:

"*5. Any field registrar or other person who:*

(a) Knowingly falsifies a registration form, or knowingly causes such a form to be falsified; or

(b) Knowingly provides money or other compensation to another for a falsified registration form,

is guilty of a felony.".

Amend the bill as a whole by deleting sec. 76 and adding a new section designated sec. 76, following sec. 75, to read as follows:

"Sec. 76. NRS 236.015 is hereby amended to read as follows:

236.015 1. The following days are declared to be legal holidays for state, county and city governmental offices:

January 1 (New Year's Day)

Third Monday in January (Martin Luther King, Jr.'s Birthday)

Third Monday in February (Washington's Birthday)

Last Monday in May (Memorial Day)

July 4 (Independence Day)

First Monday in September (Labor Day)

October 31 (Nevada Day)

November 11 (Veterans' Day)

Fourth Thursday in November (Thanksgiving Day)

Friday following the fourth Thursday in November (Family Day)

December 25 (Christmas Day)

Any day that may be appointed by the President of the United States for public fast, thanksgiving or as a legal holiday except for any Presidential appointment of the fourth Monday in October as Veterans' Day.

2. [All] *Except as otherwise provided by NRS 293.557, all* state, county and city offices, courts, banks, savings and loan associations, public schools and the University and Community College System of Nevada must close on the legal holidays enumerated in subsection 1 unless in the case of appointed holidays all or a part thereof are specifically exempted.

3. If January 1, July 4, October 31, November 11 or December 25 falls upon a:

(a) Sunday, the Monday following must be observed as a legal holiday.

(b) Saturday, the Friday preceding must be observed as a legal holiday.

4. To celebrate the 500th anniversary of the arrival of Cristoforo Columbo in the New World, October 12, 1992, is hereby declared to be a legal holiday for state, county and city governmental offices. All state, county and city offices, courts, banks, savings and loan associations, public schools and the University and Community College System of Nevada must close on this day.''.

Amend the bill as a whole by adding new sections designated sections 78.4 and 78.7, following sec. 78, to read as follows:

''Sec. 78.4 NRS 539.130 is hereby amended to read as follows:

539.130 1. The secretary [shall be] *is* ex officio district registrar of the district, and may, at least 4 weeks before any election, appoint a [deputy] *field* registrar in each election precinct. Each [deputy] *field* registrar shall register all electors within his precinct applying for registration, and for this purpose he [shall have] *has the* authority to demand of the elector all information and to administer all oaths required by this chapter.

2. The registrar and [deputy registrars shall be] *field registrars are* governed in the performance of their duties by the general election laws of this state as far as they are applicable, and [shall] *must* be at their places of registration to receive applications for registration from 9 a.m. until 9 p.m. on each of three Wednesdays next preceding the date of election.

Sec. 78.7 NRS 539.140 is hereby amended to read as follows:

539.140 1. The registration oath may be taken before the registrar or [deputy] *field* registrars, any member of an election board, or any person authorized by law to administer oaths.

2. All oaths taken before the election board must be preserved by the election board and returned with the ballots.".

Amend the bill as whole by adding a new section designated sec. 82, following sec. 81, to read as follows:

"Sec. 82. In preparing the reprint of the Nevada Revised Statutes, the legislative counsel shall change any reference to "deputy registrar" to refer to "field registrar" in any section which is not amended by this act or is further amended by another act.".

Amend the title of the bill to read as follows:

"An Act relating to elections; prohibiting certain methods of compensating a person who registers persons to vote; providing procedures for voting early in counties; requiring the county clerk to register a person at his home if he requires such assistance; requiring a person who engages in the business of receiving and distributing mail for customers to provide the county clerk with the address of the business; prohibiting the alteration or defacing of a signature on certain petitions; prohibiting a person from fraudulently requesting an absent ballot or inducing or coercing another person to make such a request; prohibiting under certain circumstances the return of an absent ballot by another person; prohibiting certain acts concerning the registration of voters; prohibiting a person from forging a signature on a petition or threatening or coercing another person to forge or sign a petition; increasing the penalty for certain violations; making various other changes to the provisions governing elections; providing penalties; and providing other matters properly relating thereto.".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblymen Myrna Williams and Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 262.

The following Senate amendment was read:

Amendment No. 1019.

Amend section 1, page 1, by deleting lines 2 through 6 and inserting:

"639.009 "Manufacturer" means a person who [derives,] *:*

1. Derives, produces, prepares, compounds, mixes, cultivates, grows or processes any drug or medicine [or who repackages] *;*

2. Repackages any drug or medicine for the purposes of resale [.] *; or*

3. Produces or makes any devices or appliances".

Amend sec. 8, page 4, by deleting lines 43 through 47 and inserting:

"454.0092 "Manufacturer" means a person who [derives,] *:*

1. Derives, produces, prepares, compounds, mixes, cultivates, grows or processes any drug [or who repackages] *;*

2. *Repackages* any drug for the purpose of resale [.] *; or*

3. *Makes, produces or prepares any devices or appliances that are*".

Amend the bill as a whole, by adding a new section designated sec. 16, following sec. 15, to read as follows:

"Sec. 16. Sections 1 and 8 of this act become effective at 12:01 a.m. on October 1, 1993.".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 262.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 300.

The following Senate amendment was read:

Amendment No. 1069.

Amend the bill as a whole by adding a new section designated sec. 17.5, following sec. 17, to read as follows:

"Sec. 17.5 NRS 637A.030 is hereby amended to read as follows:

637A.030 The board of hearing aid specialists, consisting of [three] *five* members appointed by the governor, is hereby created.".

Amend sec. 18, page 3, by deleting lines 33 through 36 and inserting:

"(a) [Two members who are licensed by the board as hearing aid specialists and are actively engaged in the business as hearing aid specialists at the time of their appointments.] *One member who is a physician with a specialty in otorhinolaryngology or otology.*

(b) One member who is [a representative of the general public.] *licensed to engage in the practice of audiology pursuant to chapter 637B of NRS.*

(c) One member who is a hearing aid specialist.

(d) Two members who are representatives of the general public and have hearing disorders.".

Amend sec. 18, page 3, between lines 40 and 41, by inserting:

"*4. The members of the board serve at the pleasure of the governor.*".

Amend the bill as a whole by deleting sec. 19 and inserting:

"Sec. 19. (Deleted by amendment.)".

Amend sec. 30, page 6, by deleting line 46 and inserting:

"2. Has been convicted of violating any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of [this act.] *Senate Bill No. 316 of this session.*

3. Obtained the license by fraud or misrepresentation.".

Amend sec. 30, page 6, line 47, by deleting "3." and inserting "4.".

Amend sec. 30, page 6, line 48, by deleting "4." and inserting "5.".

Amend sec. 30, page 7, line 1, by deleting "5." and inserting "6.".

Amend sec. 30, page 7, line 3, by deleting "6." and inserting "7.".

Amend sec. 30, page 7, line 4, by deleting "7." and inserting "8.".

Amend sec. 30, page 7, line 7, by deleting "8." and inserting "9.".

Amend sec. 33, page 7, by deleting lines 33 through 39 and inserting:

"2. As soon as practicable after July 1, 1993, the governor shall appoint to the board of hearing aid specialists:

(a) One member who is a physician with a specialty in otorhinolaryngology or otology, one member who is a hearing aid specialist, and one member who is a representative of the general public and has a hearing disorder, to initial terms that expire on July 1, 1996.

(b) One member who is licensed to engage in the practice of audiology pursuant to chapter 637B of NRS and one member who is a representative of the general public and has a hearing disorder, to initial terms that expire on July 1, 1995.".

Amend the bill as a whole by renumbering sec. 34 as sec. 35, and adding a new section designated sec. 34, following sec. 33, to read as follows:

"Sec. 34. The board shall conduct a comprehensive study of the current procedure for assessing the need for and purchase of a hearing aid including, without limitation, current laws, regulations, and practices related to the selection, fitting, purchase and maintenance of hearing aids. The board shall submit a report containing its findings on or before February 1, 1995, to the governor and to the director of the legislative counsel bureau for transmittal to the 68th session of the Nevada legislature.".

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "the board; revising the membership of the board of hearing aid specialists; and providing other".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 300.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 722.

The following Senate amendment was read:

Amendment No. 961.

Amend sec. 2, page 1, line 8, by deleting "*7*" and inserting "*8*".

Amend sec. 4, page 2, by deleting lines 31 through 33 and inserting: "may be removed from his place of business within [10] *:*

1. Thirty days after the receipt thereof is reported or a record of the receipt of the property is furnished or mailed to the sheriff or the chief of police [.] *, if the place of business is located in a county whose population is 400,000 or more; or*

2. Fifteen days after the receipt thereof is reported or a record of the receipt of the property is furnished or mailed to the sheriff or the chief of police, if the place of business is located in a county whose population is less than 400,000.".

Amend sec. 5, page 3, line 5, by deleting: "10] *within 30*" and inserting "10".

Amend sec. 5, page 3, line 7, by deleting "police." and inserting: "police.] *in violation of the provisions of NRS 647.130.*".

Assemblyman Porter moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 722.

Remarks by Assemblymen Porter and Collins.

Motion carried.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 687; Senate Bill No. 429 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 687.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 754.

Amend section 1, page 1, by deleting lines 2 through 26 and inserting:

"40.253 1. Except as otherwise provided in subsection 6, in addition to the remedy provided in NRS 40.2512 and in NRS 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent reserved by the month or any shorter period, is in default in payment of the rent, the landlord or his agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises at or before noon of the fifth full day following the day of service [.] , *if the rent is reserved by a period of more than 1 week or the tenancy has continued for more than 120 days. In cases where the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 120 days, such a notice may require the payment of the rent or the surrender of the premises at or before noon of the second full day following the day of service.* The notice must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant of his right to contest the matter by filing [, within 5 days,] an affidavit with the court that has jurisdiction over the matter *stating* that he has tendered payment or is not in default in the payment of rent. If the tenant timely files [the affidavit stating that he has either tendered payment of or paid the rent,] *such an affidavit at or before the time stated in the notice for payment of the rent or surrender of the premises* the landlord or his agent, after receipt of a file-".

Amend section 1, page 2, line 1, by deleting "[2.] *4.*" and inserting "2.".

Amend section 1, page 2, line 23, by deleting "[1] *2*" and inserting "1".

Amend section 1, page 2, by deleting lines 27 through 29 and inserting:

"3. Upon filing by the tenant of the affidavit permitted in subsection 1 and the filing by the landlord of the affidavit [required] *permitted* by subsection 2, the justices's court or the district court shall hold a hearing, after service of".

Amend section 1, page 2, line 35, by deleting "[2.] *4.*" and inserting "2.".

Amend section 1, page 2, line 46, by deleting "[4.] *6.*" and inserting "4.".

Amend section 1, page 3, by deleting line 9 and inserting: "5. Upon the filing of a motion pursuant to subsection 4, the court".

Amend section 1, page 3, line 18, by deleting "[6.] *8.*" and inserting "6.".

Amend the bill as a whole by deleting sections 2 through 4.

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 429.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1172.

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. 1. The provisions of section 2 of this act apply to category I peace officers who are initially certified as such on or after January 1, 1994.

2. Notwithstanding the provisions of section 3 of this act, a peace officer who is assigned to investigate regularly cases of sexual abuse or exploitation of children under the age of 18 years on October 1, 1993, shall comply with the requirements of section 3 of this act before October 1, 1994.".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 18, 19, 196, 204, 233, 247, 305, 328, 334, 411, 448, 482, 485, 500; Assembly Concurrent Resolutions Nos. 63, 81; Senate Bills Nos. 84, 92, 211, 248, 303, 396, 416, 435, 444, 456, 508; Senate Concurrent Resolution No. 54.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Millie Marwin, Elanit Friedman and Mr. David Friedman.

On request of Assemblyman Gibbons, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Sam McMullen, Jr.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Mario Durall.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Michelle Petrak, Melanie Petrak, Cecilia Petrak and Mr. Robert Petrak.

Assemblyman Porter moved that the Assembly adjourn until Monday, June 28, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 3:19 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-SECOND DAY

CARSON CITY (Monday), June 28, 1993

Assembly called to order at 11:33 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Father, in just a moment we will be reciting the Pledge of Allegiance to our Flag. We are happy to pledge that allegiance to our country and we thank You for it. As we attempt to wrap up this session of the Nevada State Legislature, give us the wisdom to pledge our allegiance to the things that truly matter and please help us to wisely discriminate between those things and the insignificant. Grant us the courage to pledge our allegiance to You and to mankind. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 778, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was re-referred Assembly Bill No. 89, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 512, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:36 a.m.

ASSEMBLY IN SESSION

At 11:37 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini, Price, Anderson, Arberry, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Ernaut, Evans, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Haller, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Regan, Sader, Scherer, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin, Myrna Williams and Wendell Williams:

Assembly Concurrent Resolution No. 82—Commending the Superintendent and staff of the State Printing and Micrographics Division of the Department of General Services for services rendered to the Nevada Legislature.

WHEREAS, The 67th session of the Nevada Legislature created an overwhelming number of bills and amendments during this legislative session, requiring the Superintendent and staff of the State Printing and Micrographics Division of the Department of General Services to work long hours in meeting the needs of the Legislature; and

WHEREAS, The work produced by the Division met the high standards of previous years because of the care that the Superintendent and his excellent staff devoted to every assignment given to them; and

WHEREAS, In the absence of such outstanding service, the Legislature could not function or fulfill its obligations to the people of this state; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 67th session of the Nevada Legislature hereby express their appreciation and commend the Superintendent and members of the staff of the State Printing and Micrographics Division for their fine work; and be it further

RESOLVED, That a copy of this resolution be prepared and transmitted forthwith by the Chief Clerk of the Assembly to Mr. Donald L. Bailey, the Superintendent of the State Printing and Micrographics Division of the Department of General Services.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini, Anderson, Marvel, Humke and Price.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore. Today, we want to give recognition to the people who are behind us and support us with the great work that is done by the State Printing Office. The legislature could not operate without the hard work they do. They work 24 hours a day if they have to, getting those bills reprinted every morning for us so that we have them when we come back into session.

You will see as we get down to the end in these last few days, that they can turn the bills around in an hour or two and we will have a bill back that has been reprinted. It is done with real sincere effort by the State Printing Office, its director and the people down in the pit doing the work in that office. They have been doing this for many, many years.

If you go nationally, you will find that our State Printing Office and the way we operate in conjunction with them to print the bills for sessions is the finest in the United States. I do not believe any state does it any better than we do, with the fine turn around time and the quality of printing that is done by our State Printing Office. It is a dedicated group. I want them to know that the entire Assembly stands in appreciation of their efforts and the fine quality of work they have done for us during this session.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. I rise in support of Assembly Concurrent Resolution No. 82. I and Mr. Bache, my distinguished colleague from Clark County, had the opportunity to visit the State Printing Office across the street. The people there are most courteous and most concerned about the quality of their work. We can all really appreciate the diligence of the staff and the hard work that is displayed by this particular department of government to try to aid us in what we do. This resolution is most deserving. I hope that my feelings and the feelings of this body will be shared with the staff as a whole.

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of Assembly Concurrent Resolution No. 82. In the 16 years that I have served in the legislature, Don Bailey and his crew have improved every session. I am sure that we would be setting records in attendance if it were not for the expeditious work that these people do. We certainly wish you and your staff well, Don.

ASSEMBLYMAN HUMKE:

Thank you, Madam Speaker pro Tempore. I would like to add my remarks to the positive ones that have been spoken earlier. Mr. Bailey, I believe, continues to be a constituent, and at least one of the printers working in his shop is a constituent. I cannot say enough about the fantastic job they do in providing us with the printed material which is so critical to our function here. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Madam Speaker pro Tempore. To you and through you to this honorable body, I, too, have had the pleasure of working with Don and his wonderful staff over these many years. I think probably few of us in this body realize the extent of the really super service that we get from the State Printing Office. I will tell you that if you go over the hill to the border toward the closest state capitol from us, if you want to look at an amended bill, there is one bill book in the back of the room, and you go back and do it. We send something over to our guys, it is returned by three or four o'clock in the morning. Our folks come in and place the bills in the bill books and they are on the desks for us. I know we must drive the State Printer crazy when we are in session. We apologize for that. They allow us to perform a better service to our state. Their recognition is well, well deserved. Thank you.

Resolution adopted unanimously.

Assemblyman Dini moved that all rules be suspended and that Assembly Concurrent Resolution No. 82 be immediately transmitted to the Senate.

Motion carried unanimously.

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:50 a.m.

ASSEMBLY IN SESSION

At 11:51 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Heller, Gibbons, Gregory, Toomin, Kenny, Giunchigliani, Myrna Williams, Schneider, Ernaut, Neighbors, Segerblom, Petrak, Hettrick, Bonaventura, Augustine, Wendell Williams, Bennett, Porter, Mar-

vel, Bache, Tiffany, McGaughey, Evans, Lambert, de Braga, Anderson, Smith, Chowning, Scherer, Arberry, Spitler, Price, Collins, Regan, Perkins, Humke, Freeman, Garner, Sader, Carpenter and Dini:

Assembly Concurrent Resolution No. 83—Memorializing James Calhoun, former director of the Nevada State Museum.

WHEREAS, The members of the Nevada Legislature note with sorrow the passing of James W. Calhoun, former director of the Nevada State Museum; and

WHEREAS, James W. Calhoun was born in Philipsburg, Montana, on November 6, 1903; and

WHEREAS, In 1934, Jim Calhoun married Thelma Davis, an artist, who later became a councilwoman and city supervisor; and

WHEREAS, Jim Calhoun was hired by the State of Nevada in 1948 to build display cases for a new gun room in the Nevada State Museum and to construct cages for animals in the children's zoo which was then located alongside the museum; and

WHEREAS, Two years later, Jim Calhoun successfully completed construction of the mine in the Nevada State Museum allowing it to open on schedule on Nevada Day, October 31, 1950; and

WHEREAS, In 1951, Jim Calhoun was appointed Director of the Nevada State Museum, a position he held until his retirement in 1973; and

WHEREAS, Under his leadership, Jim Calhoun created a mobile museum which toured the schools in Nevada, an innovation which brought national recognition to the museum; and

WHEREAS, In 1972, the Nevada State Museum was accredited by the prestigious American Association of Museums, an act officially establishing it as a professional institution of the highest quality; and

WHEREAS, The Nevada State Museum has evolved into an innovative combination of research and education making it an invaluable resource of Nevada's history, largely because of Jim Calhoun's dedication, direction and insight; and

WHEREAS, Jim Calhoun received the Distinguished Nevadan Award in 1993, was President of the Truman-Orr Foundation, was a member of Carson Host Lions and was a lifetime member of the Lions International; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature offer their sincere condolences to the family and friends of the late James W. Calhoun, and express their gratitude for his devoted service to the State of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Jim Calhoun's wife Thelma Calhoun of Carson City, his daughter, Patricia Ariaz, and son, James Calhoun, both of Reno.

Assemblyman Heller moved the adoption of the resolution.

Remarks by Assemblyman Heller.

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HELLER:

Thank you, Madam Speaker pro Tempore. During World War II, there was a young family living in Los Angeles. They decided that was not the place where they wanted to settle down. They begged and borrowed from some of their friends so that they could leave Los Angeles on gas rationing stamps with the commitment that wherever they ended up, that was where they would settle when the stamps ran out. Every city they came to, they flipped a coin and whatever way they flipped the coin, they decided which direction they were going to go. They ended up in Silver Springs with one stamp left. They flipped the coin. The decision was to either go to Reno or Carson City.

To the benefit of Carson City, the coin landed appropriately. For many, many years, the Calhoun family lived here in Carson City. They later built a home at 301 North Anderson Street. The reason I am familiar with that address is that 20 years ago I was their paper boy and delivered their evening paper.

I have in front of me a copy of the application for Jim Calhoun when he received his award six weeks ago as one of Nevada's Distinguished Nevadans. I would like to read some excerpts from the award.

"The Nevada State Museum was founded in 1939, when the Nevada Legislature passed a bill allotting funds for the purchase of the old United States Carson City Mint Building from the federal government. In 1948, the museum director hired James Calhoun to build display cases for a new gun room, as well as construct cages for animals in the children's zoo, which was located alongside the museum. By April, 1950, problems over the construction of the mine exhibit led to the resignation of the director.

The Museum's Board of Trustees asked Mr. Calhoun if he could complete the mine and have the exhibit ready by Nevada Day, 1950. Jim accepted the challenge, and the Board appointed him supervisor, temporarily in charge of the museum. The mine opened on schedule, October 31, 1950.

Calhoun was made director of the museum in August, 1951. Jim was an active director, who did a little bit of everything. He constructed display cases, designed exhibits, participated in archaeological digs, in addition to his daily administrative duties.

Under his leadership the Department of Natural History, in 1953, and the Department of Anthropology, in 1959, came into existence. During the 1950s, a mobile museum was created to tour the state.

The museum gained national recognition under Calhoun's direction. In 1972, the Nevada State Museum was accredited by the prestigious American Association of Museums, an act officially establishing it as a professional institution of the highest quality.

In summary, under Mr. Calhoun's direction, the Nevada State Museum's focus changed from an institution interested only in displaying historic relics to one interested in research and in educating the public."

Mr. Calhoun was a dedicated husband and father. His passing is a tremendous loss to the State of Nevada and to my community here in Carson City, and, of course, to his family. Thank you.

Resolution adopted unanimously.

Assemblyman Heller moved that all rules be suspended and that Assembly Concurrent Resolution No. 83 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:52 a.m.

ASSEMBLY IN SESSION

At 12 noon.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 268, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 413, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which were referred Assembly Bills Nos. 662, 781, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 699, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 411, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 287, 311, 457, 509, 510, 558, 563, 645, 680, 687; Senate Bills Nos. 250, 429, 434 be placed on the General File immediately following Assembly Bill No. 723.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 785—An Act relating to statutes; making technical corrections to measures previously approved by the 67th session of the legislature; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 786—An Act relating to gaming; increasing a certain fee collected from restricted gaming licensees; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 474.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1189.

Amend sec. 6, page 4, line 46, by deleting "bid," and inserting "bid [,] ;".

Amend the bill as a whole by renumbering sec. 7 as sec. 9 and adding new sections designated sections 7 and 8, following sec. 6, to read as follows:

"Sec. 7. Section 5 of Assembly Bill No. 407 of this session is hereby amended to read as follows:

Sec. 5. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 6 [,] *and sections 3 and 4 of this act,* an agency or political subdivision of the state, or a public officer, public employee or other person responsible for awarding a contract for the construction, alteration or repair of a public work, shall not:

(a) Commence such a project, for which the estimated cost exceeds $100,000, unless it advertises in a newspaper of general circulation in the state for bids for the project; or

(b) Divide such a project into separate portions to avoid the requirements of paragraph (a).

2. Except as otherwise provided in subsection 6, a public body that maintains a list of properly licensed contractors who are interested in receiving offers to bid on public works projects for which the estimated cost is more than $25,000 but less than $100,000 shall solicit bids from not more than three of the contractors on the list for a contract of that value for the construction, alteration or repair of a public work. The public body shall select contractors from the list in such a manner as to afford each contractor an equal opportunity to bid on a public works project. A properly licensed contractor must submit a written request annually to the public body to remain on the list. Offers for bids which are made pursuant to this subsection must be sent by certified mail.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the project must be awarded on the basis of bids received.

4. Any or all bids received in response to an advertisement for bids may be rejected if the person responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications; or

(c) The public interest would be served by such a rejection.

5. Before an agency or political subdivision of the state may commence a project subject to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, it shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, who the agency or political subdivision intends to assign to the project, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the agency or political subdivision intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the project;

(d) An estimate of the total cost of the project; and

(e) An estimate of the amount of money the agency or political subdivision expects to save by rejecting the bids and performing the project itself.

6. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district; or

(d) The Las Vegas Valley water district created pursuant to chapter 167, Statutes of Nevada 1947.

Sec. 8. Section 7 of Assembly Bill No. 407 of this session is hereby amended to read as follows:

Sec. 7. 1. This section and sections 1 to 4, inclusive, and 6 of this act become effective on October 1, 1993.

2. Section 5 of this act becomes effective at 12:01 a.m. on October 1, 1993.

3. This act expires by limitation on May 1, 2013.".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Senate Bill No. 430 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Spitler moved that Assembly Bill No. 311 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Spitler.

Motion carried.

Assemblyman Sader moved that Senate Bill No. 462 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

Assemblyman Arberry moved that Senate Bill No. 334 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 723.

Bill read third time.

Remarks by Assemblymen Anderson and Ernaut.

Roll call on Assembly Bill No. 723:

YEAS—42.

NAYS—None.

Assembly Bill No. 723 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved that Senate Bill No. 250 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 250.

Bill read third time.

Remarks by Assemblymen Myrna Williams, Segerblom, Giunchigliani, Collins and Bache.

Roll call on Senate Bill No. 250:

YEAS—42.

NAYS—None.

Senate Bill No. 250 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 287.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Assembly Bill No. 287:

YEAS—42.

NAYS—None.

Assembly Bill No. 287 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 457.

Bill read third time.

Remarks by Assemblymen Scherer, Porter, Spitler, Sader, Garner, Anderson and Collins.

Roll call on Assembly Bill No. 457:

YEAS—19.

NAYS—Arberry, Bache, Bennett, Bonaventura, de Braga, Evans, Freeman, Giunchigliani, Haller, Kenny, McGaughey, Neighbors, Perkins, Porter, Price, Regan, Sader, Segerblom, Smith, Toomin, Myrna Williams, Wendell Williams, Mr. Speaker—23.

Assembly Bill No. 457 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:33 p.m.

ASSEMBLY IN SESSION

At 12:41 p.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 787—An Act making appropriations from the state general fund and the state highway fund for the support of the civil government of the State of Nevada for the fiscal years beginning July 1, 1993, and ending June 30, 1994, and beginning July 1, 1994, and ending June 30, 1995; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 788—An Act relating to projects of capital improvement; making appropriations from the state general fund and the state highway fund; providing for the issuance of general obligation bonds of the state; authorizing certain expenditures by the state public works board; requiring the repayment for certain projects by certain state agencies; levying a property tax to support the consolidated bond interest and redemption fund; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 727, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

SECOND READING AND AMENDMENT

Senate Bill No. 430.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1194.

Amend sec. 2, pages 1 and 2, by deleting lines 13 through 25 on page 1 and lines 1 through 3 on page 2 and inserting:

"484.323 Upon the immediate approach of an authorized emergency vehicle or an official vehicle of a regulatory agency, making use of [audible and visual signals] *flashing lights* meeting the requirements of *subsection 3 of* NRS 484.787, [or of a police vehicle lawfully making use of an audible signal only,] the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a highway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle, official vehicle or police vehicle has passed, except when otherwise directed by a police officer.".

Amend the title of the bill, first and second lines, by deleting: "authorizing emergency vehicles on controlled-access highways to signal silently;" and inserting: "requiring drivers to yield to emergency vehicles and official vehicles which are making use of flashing lights;".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblymen Sader and Scherer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 509.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1197.

Amend the bill as a whole by renumbering sections 7 through 9 as sections 8 through 10 and adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. Chapter 599B of NRS is hereby amended by adding thereto a new section to read as follows:

A salesman shall not make a solicitation or sales presentation between the period of 9 p.m. of one day and 8 a.m. of the next. For the purposes of this section, the time of day must be determined by the local time where the prospective purchaser is located.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Conflict of interest declared by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 510.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Assembly Bill No. 510:

YEAS—42.

NAYS—None.

Assembly Bill No. 510 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 558.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 558:

YEAS—30.

NAYS—Augustine, Carpenter, Ernaut, Gregory, Hettrick, Lambert, Neighbors, Scherer, Schneider, Spitler, Tiffany—11.

Not voting—Heller.

Assembly Bill No. 558 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 563.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 563:

YEAS—30.

NAYS—Augustine, Carpenter, Ernaut, Heller, Hettrick, Humke, Lambert, Marvel, Regan, Scherer, Schneider, Tiffany—12.

Assembly Bill No. 563 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 645.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Assembly Bill No. 645:

YEAS—42.

NAYS—None.

Assembly Bill No. 645 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 680.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Assembly Bill No. 680:

YEAS—42.

NAYS—None.

Assembly Bill No. 680 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 687.

Bill read third time.

Remarks by Assemblymen Gregory and Petrak.

Roll call on Assembly Bill No. 687:

YEAS—42.

NAYS—None.

Assembly Bill No. 687 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 287, 510, 558, 563, 645, 680, 687, 723 be immediately transmitted to the Senate.

Motion carried unanimously.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 10, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

ROBERT M. SADER	MARK A. JAMES
MICHAEL A. SCHNEIDER	ERNEST E. ADLER
WILLIAM DAVID GREGORY	MIKE MCGINNESS
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 10.

Remarks by Assemblyman Sader.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 662, 699, 727, 778, 781; Senate Bills Nos. 23, 268, 411, 413, 512 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that the Assembly recess until 2:30 p.m.

Motion carried.

Assembly in recess at 1:03 p.m.

ASSEMBLY IN SESSION

At 2:40 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Joint Resolution No. 40, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 28, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 567.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 555.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 555.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 567.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 662.

Bill read second time.

Assemblyman Hettrick moved that Assembly Bill No. 662 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Hettrick.

Motion carried.

Assembly Bill No. 699.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1054.

Amend section 1, page 1, by deleting lines 3 through 13 and inserting:

"*1. In a county in which a county library has been established, upon the request of the board of trustees of the county library, the board of county commissioners shall submit to the registered voters of the county the question whether a tax is to be imposed upon all taxable property in the county at a rate for each $100 of assessed valuation specified in the request of the board of trustees of the library.*

2. If such a tax is so requested, the question must be placed upon the ballot at the next practicable general election. The ballot question must

clearly state that the proposed tax is exempt from the limitations set forth in NRS 354.59811 and 361.453. If a majority of the registered voters voting on the question approve the tax:

(a) The rate per $100 of assessed valuation approved by the voters is exempt from the limitation set forth in NRS 361.453;

(b) Its proceeds are not subject to the limitation imposed by NRS 354.59811 upon revenue from taxes ad valorem;

(c) The board of county commissioners shall use the proceeds of the tax to supplement the previous financial support provided for the county library and shall not reduce its previous level of support as a result of the approval of the tax; and

(d) The board of county commissioners shall create a library fund and deposit the proceeds of the tax in the fund.".

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sec. 4 as sec. 2.

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 4, to read as follows:

"Sec. 3. 1. The legislature finds that:

(a) The residents of Nye County have established town libraries in the towns of Round Mountain, Tonopah, Beatty and Amargosa Valley.

(b) The provisions of NRS 379.023, permitting a tax levy for town libraries which were in existence on July 1, 1967, do not apply to the towns of Round Mountain and Amargosa Valley because the towns did not have a library at that time.

(c) The provisions of NRS 379.023 permitting a tax levy for town libraries which were in existence on July 1, 1967, do not apply to the towns of Tonopah and Beatty because they were not in compliance with the statutory requirements for the appointment of library boards by the county commissioners on July 1, 1967.

(d) The requirements of NRS 379.021 relating to the establishment by petition of a publicly supported county library district places an undue burden on each of these libraries which are already organized and functioning on tax revenues.

(e) Requiring by special act the creation of county library districts for the towns of Round Mountain, Tonopah, Beatty and Amargosa Valley is appropriate under the circumstances.

2. On or before July 1, 1994, the board of county commissioners of Nye County shall order the creation of county library districts for the towns of Round Mountain, Tonopah, Beatty and Amargosa Valley and set the boundaries of each district.

3. Upon the creation of these districts, the board of county commissioners shall appoint district library trustees, levy a tax upon all taxable property in the districts pursuant to the budget submitted by the trustees, and otherwise proceed as required by law with respect to county library districts.".

Amend the title of the bill to read as follows:

"An Act relating to libraries; providing for the levy of a tax ad valorem, if approved by the voters, that is exempt from certain limits; requiring specially the creation of county library districts in Nye County; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes regarding libraries. (BDR 33-1593)".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblymen Myrna Williams, Lambert, Price and Scherer.

Amendment adopted on a division of the house.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 727.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1040.

Amend section 1, page 1, line 2, by deleting "2 and 3" and inserting: "2, 3 and 4".

Amend the bill as a whole by renumbering sections 2 through 15 as sections 3 through 16 and adding a new section, designated sec. 2, following section 1, to read as follows:

"Sec. 2. *"Allocable local revenues" means amounts received by the state which are payable to a municipality and which are designated as allocable by the municipality in the instrument authorizing the revenue security with respect to a particular lending project. The term does not include money derived from state taxation unless the supreme court of this state has adjudged that the use for this purpose of money derived from state taxation will not cause the revenue security to be a debt of the state, or money which is pledged to other securities or obligations of the municipality unless that money can be used without adversely affecting the pledge.*".

Amend sec. 2, page 1, line 8, by deleting the semicolon and inserting: "*levied by or on behalf of the municipality for revenues pledged by the municipality which are not derived from a project;*".

Amend sec. 2, page 1, line 11, after "*inclusive,*" by inserting: "*268.512 to 268.568, inclusive,*".

Amend sec. 3, page 1, line 13, after "*1.*" by inserting: "*This chapter does not confer upon a municipality authority to pledge revenues for the payment of revenue securities. Any such authority must be derived from other law.*

2.".

Amend sec. 3, page 1, line 15, after "*ordinance*" by inserting: ", *resolution or other instrument*".

Amend sec. 3, page 1, line 18, by deleting: "*appropriation or transfer of money*" and inserting: "*allocable local revenues*".

Amend sec. 3, page 1, line 19, after "*necessary*" by inserting: "*and legally available*".

Amend sec. 3, page 1, line 23, after "*ordinance*" by inserting: "*, resolution or other instrument*".

Amend sec. 3, page 2, by deleting lines 11 through 17 and inserting:

"*(a) Forward the amount necessary to make the payment from any legally available money in the reserve fund created for that purpose in the bond bank fund; and*

(b) Withhold that amount from the next payment to the municipality of allocable local revenues legally available therefor. If the amount so withheld is insufficient to pay the amount due, the state treasurer may continue to withhold any amounts necessary from subsequent payments to the municipality until the amount due".

Amend sec. 3, page 2, line 25, by deleting "*may*" and inserting "*shall*".

Amend sec. 5, page 2, line 47, by deleting "*section 2*" and inserting: "*sections 2 and 3*".

Amend sec. 9, page 4, by deleting lines 10 through 13 and inserting: "*ity is authorized to complete or for a refunding which are payable from the revenues of one or more lending projects.*".

Amend sec. 12, page 5, by deleting lines 17 through 20 and inserting: "lending projects.

(b) Acquire revenue securities must be payable from all or any designated revenues from one or more lending projects and from allocable local revenues payable to a municipality.".

Amend sec. 12, page 5, by deleting line 23 and inserting: "ties issued before May 29, 1981.".

Amend sec. 13, page 5, by deleting line 48 and inserting: "municipality or municipalities.".

Amend sec. 14, page 6, by deleting lines 14 through 22 and inserting:

"350A.160 The board shall not become obligated with respect to [any] *a* particular lending project unless [and until] it has obtained judicial confirmation, in a proceeding [under] *pursuant to* chapter 43 of NRS or another proceeding, that the obligation to be incurred for that project will be exempt [, pursuant to the second paragraph of section 3 of article 9 of the constitution,] from the state's debt limit. If an appeal is taken or the confirmation is otherwise reviewed, the obligation must not be incurred unless the exemption is affirmed by the court of last resort.".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 778.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1119.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 6, and the text of repealed section, following the enacting clause, to read as follows:

"Section 1. NRS 680B.027 is hereby amended to read as follows:

680B.027 1. Except as *otherwise* provided in NRS 680B.033, for the privilege of transacting business in this state, each insurer shall pay to the commissioner a tax upon his net direct premiums and net direct considerations written at the rate of 3.5 percent.

2. The tax must be paid at the same time the report required by NRS 680B.030 is filed.

3. *On or before March 1 of each year, each insurer who pursuant to subsection 1, paid or is required to pay a tax of at least $2,000 on net premiums and net direct considerations written during the preceding calendar year, shall pay to the commissioner a prepayment of the tax imposed by subsection 1 in an amount equal to at least 50 percent of the tax he estimates he will owe pursuant to subsection 1 for that calendar year. The remainder of the prepayment of the estimated tax must be made on or before June 15 of that calendar year. The total of the prepayments must not be less than the actual tax pursuant to subsection 1 for the preceding calendar year. The commissioner shall accept a subsequent prepayment of the estimated tax from an insurer if the insurer files with the commissioner a statement under oath setting forth the facts requiring the additional payment.*

4. If an overpayment of the insurer's actual tax liability results from his prepayment of the tax pursuant to subsection 3 in the preceding year, the insurer shall apply the overpayment to the prepayment due pursuant to subsection 3 in succeeding years until the overpayment has been extinguished.

5. Except as otherwise provided in subsection 7, if the prepayment made pursuant to subsection 3 is less than 85 percent of the tax that was actually owed by the insurer for the calendar year in which the prepayment was made, the insurer shall pay to the commissioner:

(a) A penalty in an amount equal to 5 percent of the underpayment; and

(b) An administrative fine of $2,000.

6. Except as otherwise provided in subsection 7 and in addition to the penalty and fine provided by subsection 5:

(a) An insurer whose prepayment is less than 85 percent of the tax that was actually owed by the insurer for the calendar year in which the prepayment was made shall pay interest on the difference between the total amount of the prepayment and 85 percent of the amount actually owed at the rate of 1.5 percent per month, or fraction of a month, from the March 1 on which the initial prepayment became due until the date of payment.

(b) An insurer who does not make a prepayment required by subsection 3 when due shall pay interest at the rate of 1.5 percent per month, or fraction of a month, on the amount of the prepayment owed from the date on which the prepayment became due until the date of payment.

(c) An insurer who does not make any payment of the tax imposed pursuant to this section when due shall pay interest at the rate of 1.5 percent per month, or fraction of a month, on the amount owed from the date on which the payment became due until the date of payment.

7. The commissioner may, for good cause shown, waive or reduce the penalty, fine or interest imposed by subsection 5 or 6. Any insurer seeking

relief from the penalty, fine or interest must file with the commissioner a statement under oath setting forth the facts upon which he bases his claim for relief.

8. The commissioner may require at any time verified supplemental statements with reference to any matter pertinent to the proper assessment of the tax.

9. A newly admitted insurer who receives a certificate of authority after January 1 from the commissioner is not required to make a prepayment of the premium tax pursuant to subsection 3 for the year in which he is admitted. The tax for the insurer's first calendar year must be paid at the time that the report required by NRS 680B.030 is filed.

Sec. 2. NRS 681B.010 is hereby amended to read as follows:

681B.010 In any determination of the financial condition of an insurer, there [shall] *must* be allowed as assets only such assets as are owned by the insurer and which consist of:

1. Cash in the possession of the insurer, or in transit under its control, and including the true balance of any deposit in a solvent bank or trust company.

2. Investments, securities, properties and loans acquired or held in accordance with this code, and in connection therewith the following items:

(a) Interest due or accrued on any bond or evidence of indebtedness which is not in default and which is not valued on a basis including accrued interest.

(b) Declared and unpaid dividends on stock and shares, unless such amount has otherwise been allowed as an asset.

(c) Interest due or accrued upon a collateral loan in an amount not to exceed 1 year's interest thereon.

(d) Interest due or accrued on deposits in solvent banks and trust companies, and interest due or accrued on other assets, if such interest is, in the judgment of the commissioner, a collectible asset.

(e) Interest due or accrued on a mortgage loan, in an amount not exceeding in any event the amount, if any, of the excess of the value of the property less delinquent taxes thereon over the unpaid principal; but in no event [shall] *may* interest accrued for a period in excess of 18 months be allowed as an asset.

(f) Rent due or accrued on real property if such rent is not in arrears for more than 3 months, and rent more than 3 months in arrears if the payment of such rent is adequately secured by property held in the name of the tenant and conveyed to the insurer as collateral.

(g) The unaccrued portion of taxes paid [prior to] *before* the due date on real property.

3. Premium notes, policy loans and other policy assets and liens on policies and certificates of life insurance and annuity contracts and accrued interest thereon, in an amount not exceeding the legal reserve and other policy liabilities carried on each individual policy.

4. The net amount of uncollected and deferred premiums and annuity considerations in the case of a life insurer.

5. Premiums in the course of collection, other than for life insurance, not more than 3 months past due, less commissions payable thereon. The foregoing limitation shall not apply to premiums payable directly or indirectly by the United States Government or by any of its instrumentalities.

6. Installment premiums other than life insurance premiums to the extent of the unearned premium reserve carried on the policy to which premiums apply.

7. Notes and like written obligations not past due, taken for premiums other than life insurance premiums, on policies permitted to be issued on such basis, to the extent of the unearned premium reserves carried thereon.

8. The full amount of reinsurance recoverable by a ceding insurer from a solvent reinsurer, which reinsurance is authorized under NRS 681A.110.

9. Amounts receivable by an assuming insurer representing funds withheld by a solvent ceding insurer under a reinsurance treaty.

10. Deposits or equities recoverable from underwriting associations, syndicates and reinsurance funds, or from any suspended banking institution, to the extent deemed by the commissioner available for the payment of losses and claims and at values to be determined by him.

11. All such assets, whether or not consistent with the provisions of this section, as may be allowed pursuant to the annual statement form approved by the commissioner for the kinds of insurance to be reported upon therein.

12. As to a title insurer, its title plant and equipment reasonably necessary for the conduct of its abstract or title insurance business, at not to exceed the cost thereof.

13. Electronic and mechanical machines and related equipment constituting a data processing, recordkeeping or accounting system or systems if the cost of each such system is at least $25,000, which cost [shall] *must* be amortized in full over a period not to exceed 10 years. The aggregate amount invested in all such systems [shall] *must* not exceed 5 percent of the insurer's assets.

14. *Prepaid premium taxes pursuant to NRS 680B.027 and any interest paid on loans for the prepayment of those taxes.*

15. Other assets, not inconsistent with the provisions of this section, deemed by the commissioner to be available for the payment of losses and claims at values to be determined by him.

Sec. 3. NRS 680B.031 is hereby repealed.

Sec. 4. 1. On or before February 1, 1996, the commissioner of insurance shall allocate a total credit of not more than $1,750,000 among the insurers who made prepayments for the 1995 calendar year pursuant to NRS 680B.027, as amended by this act, in the proportion that the total dollar amount of prepayment made by each insurer for the 1995 calendar year bears to the total dollar amount of prepayments made by all insurers pursuant to NRS 680B.027, as amended by this act, for the 1995 calendar year. The dollar amount of the total credit to be allocated pursuant to this subsection must be determined by multiplying the average annual rate of return realized on the money in the state general fund for the period beginning on July 1, 1995, and ending on December 31, 1995, as deter-

mined by the state treasurer, by the total dollar amount of prepayments made by all insurers for the period beginning on July 1, 1995, and ending on December 31, 1995, pursuant to NRS 680B.027, as amended by this act. The commissioner of insurance shall transmit to each insurer a certification of the amount of credit allocated to it.

2. An insurer may offset against its liability for premium tax to this state, accrued with respect to business transacted in a calendar year, an amount equal to 20 percent of the amount certified pursuant to subsection 1 in each of the 5 calendar years following 1995. If an insurer ceases to transact business, he may offset all unused credits against his liability for premium tax for the year in which he so ceases. The insurer is not entitled to a refund of any remaining credits if the unused credits exceed the insurer's liability for premium tax.

Sec. 5. The amendatory provisions of this act must not be applied to the actual taxes or prepayment due for any calendar year before 1995.

Sec. 6. This act becomes effective on January 1, 1995.

TEXT OF REPEALED SECTION

680B.031 General tax on premiums: Quarterly report and payment.

1. Each insurer which, pursuant to NRS 680B.027, paid or is required to pay a tax of at least $2,000 on net direct premiums and net direct considerations written during the preceding calendar year, shall file a quarterly report in such form as prescribed by the commissioner. The report must be accompanied by a payment made payable to the commissioner in an amount equal to 25 percent of the tax paid or required to be paid on net direct premiums and net direct considerations written during the preceding calendar year.

2. Each quarterly payment is due on the last day of the last month in each calendar quarter.

3. If an overpayment of the tax imposed by NRS 680B.027 results from the payments made pursuant to this section, the insurer shall apply the overpayment against each succeeding quarterly estimated payment due in the current calendar year until the overpayment has been extinguished.".

Amend the title of the bill to read as follows:

"An Act relating to insurance; revising the provisions governing the payment of the tax on insurance premiums; requiring the payment of interest on late payments; providing an administrative fine and penalty for underpayment of the tax; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions governing payment of tax on insurance premiums. (BDR 57-2167)".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 781.

Bill read second time.

The following amendment was proposed by the Committee on Labor and Management:

Amendment No. 1176.

Amend sec. 2, page 1, by deleting lines 5 through 14 and inserting:

"*1. "Amusement ride" means any type of ride, including, without limitation, any mechanical or aquatic device which carries passengers over a fixed or restricted route primarily for the passengers' amusement. The term includes any ride propelled by its passengers or gravity if it is located in an amusement park. The term does not include:*

(a) Playground equipment;

(b) A ride that is erected for not more than 30 days in one location; or

(c) A mechanical device which does not leave the ground.

2. "Operator" means a person who owns, leases, manages or operates an amusement ride.".

Amend sec. 6, page 2, line 30, by deleting "*park.*" and inserting "*ride.*".

Amend the bill as a whole by adding a new section designated sec. 7.5, following sec. 7, to read as follows:

"Sec. 7.5. *1. The division may delegate to a hearing officer or panel the authority to take any disciplinary action pursuant to section 7 of this act. Any administrative fine imposed by the hearing officer or panel must be deposited in the fund for workers' compensation and safety.*

2. If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection 1 and the division deposits the money collected from the imposition of administrative fines with the state treasurer for credit to the state general fund, the division may present a claim to the state board of examiners for recommendation to the interim finance committee if money is needed to pay attorney's fees or the costs of an investigation, or both.".

Amend sec. 10, page 3, line 22, after "*ordinance*" by inserting: "*regulating amusement rides*".

Amend sec. 14, page 4, by deleting lines 24 and 25 and inserting:

"Sec. 14. 1. An operator must apply to the division of enforcement for".

Amend sec. 14, page 4, by deleting lines 31 and 32 and inserting:

"3. As used in this section:

(a) "Amusement ride" has the meaning ascribed to it in section 2 of this act.

(b) "Operator" has the meaning ascribed to it in section 2 of this act.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 23.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1044.

Amend sec. 3, page 2, by deleting lines 1 through 7 and inserting:

"*2. The governor shall appoint three members of his own selection and one member nominated by the majority floor leader of the senate and one member nominated by the speaker of the assembly to serve on the economic forum for a term of 2 years.*".

Amend sec. 4, page 2, line 35, by deleting "*shall*" and inserting: "*and the budget division of the department of administration shall jointly*".

Amend sec. 6, page 3, line 43, by deleting: "*of Nevada System*" and inserting: "*and Community College System of Nevada*".

Amend sec. 6, page 4, line 33, by deleting "*shall*" and inserting: "*and the budget division of the department of administration shall jointly*".

Amend sec. 9, page 5, line 38, after "system" by inserting: ", the state industrial insurance system".

Amend sec. 9, page 5, line 40, after "system" by inserting: ", the state industrial insurance system".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblymen Hettrick, Kenny, Garner, Bennett, de Braga and Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 268.

Bill read second time and ordered to third reading.

Senate Bill No. 411.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1072.

Amend section 1, page 1, by deleting line 16 and inserting: "*(b) Deduct from the account*".

Amend section 1, page 1, by deleting line 20 and inserting: "*parent. Any surplus remaining*".

Amend section 1, page 2, by deleting lines 1 through 3.

Amend section 1, page 2, line 4, by deleting "*5.*" and inserting "*4.*".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 413.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1051.

Amend sec. 2, pages 1 and 2, by deleting line 23 on page 1 and lines 1 through 6 on page 2, and inserting:

"[$5,000	35.00]
$2,500	*50.00*

If the sum claimed exceeds $2,500 but does not exceed $4,500..... 100.00

If the sum claimed exceeds $4,500 but does not exceed $6,500..... 125.00

If the sum claimed exceeds $6,500 but does not exceed $7,500..... 150.00".

Amend sec. 2, page 2, by deleting lines 10 through 16 and inserting:

"[If the sum claimed does not exceed $500..... $10.00

If the sum claimed exceeds $500 but does not exceed $1,500..... 20.00

If the sum claimed exceeds $1,500 but does not exceed $2,500..... 30.00]

If the sum claimed does not exceed $1,000..... $25.00

If the sum claimed exceeds $1,000 but does not exceed $2,500..... 45.00

If the sum claimed exceeds $2,500 but does not exceed $3,500..... 65.00".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 512.

Bill read second time and ordered to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 554, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

GENERAL FILE AND THIRD READING

Senate Bill No. 429.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Senate Bill No. 429:

YEAS—42.

NAYS—None.

Senate Bill No. 429 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 434.

Bill read third time.

Remarks by Assemblyman Kenny.

Roll call on Senate Bill No. 434:

YEAS—42.

NAYS—None.

Senate Bill No. 434 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 368.
Bill read third time.
Remarks by Assemblyman Humke.
Roll call on Senate Bill No. 368:
YEAS—42.
NAYS—None.

Senate Bill No. 368 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 3:05 p.m.

ASSEMBLY IN SESSION

At 3:07 p.m.
Madam Speaker pro Tempore presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 506.
Bill read third time.
Remarks by Assemblymen de Braga, Price and Dini.
Roll call on Senate Bill No. 506:
YEAS—42.
NAYS—None.

Senate Bill No. 506 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 507.
Bill read third time.
Remarks by Assemblyman Marvel.
Roll call on Senate Bill No. 507:
YEAS—37.
NAYS—Bonaventura, Freeman, McGaughey, Porter—4.
Not voting—Scherer.

Senate Bill No. 507 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 550.
Bill read third time.
The following amendment was proposed by the Committee on Taxation:

Amendment No. 1202.

Amend section 1, page 1, line 7, by deleting "*accepted.*" and inserting: "*accepted, if under the terms of the contract or bid the contract price or bid amount cannot be adjusted to reflect the imposition of the tax imposed by this chapter.*".

Amend sec. 4, page 4, line 22, by deleting "*accepted.*" and inserting: "*accepted, if under the terms of the contract or bid the contract price or bid amount cannot be adjusted to reflect the imposition of the additional taxes.*".

Amend sec. 5, page 4, by deleting line 46 and inserting: "*accepted, if under the terms of the contract or bid the contract price or bid amount cannot be adjusted to reflect the imposition of the tax or the increase in the tax.*".

Amend sec. 6, page 5, line 29, by deleting "*accepted.*" and inserting: "*accepted, if under the terms of the contract or bid the contract price or bid amount cannot be adjusted to reflect the imposition of the additional tax pursuant to this section.*".

Amend sec. 7, page 5, line 40, after "NRS" by inserting: "which became effective".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Senate Bill No. 462 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Sader.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 334.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 334:

YEAS—29.

NAYS—Carpenter, Collins, Ernaut, Freeman, Gibbons, Heller, Hettrick, Humke, Lambert, McGaughey, Price, Scherer, Tiffany—13.

Senate Bill No. 334 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 217; Assembly Joint Resolution No. 40; Senate Bill No. 554 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 89 be placed at the top of the General File.

Motion carried.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 3:19 p.m.

ASSEMBLY IN SESSION

At 4:40 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 780, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 697, 786, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 217.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 40.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 554.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1195.

Amend the bill as a whole by deleting sections 1 through 3 and the text of repealed sections and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Section 1 of chapter 70, Statutes of Nevada 1991, at page 132, is hereby amended to read as follows:

Section 1. 1. Except as otherwise provided in subsection 2, the periods of limitation on actions set forth in NRS 11.203, 11.204 and 11.205 apply retroactively to actions in which the substantial completion of the improvement to the real property occurred before July 1, 1983.

2. The provisions of subsection 1 do not limit an action:

(a) That *accrued before April 10, 1991, and* was commenced before [the effective date of this act;] *July 1, 1994;* or

(b) If so doing would constitute an impairment of the obligation of contracts under the Constitution of the United States or the constitution of the State of Nevada.

Sec. 2. This act becomes effective upon passage and approval.".

Amend the summary of the bill by deleting the second line and inserting: "prescribed period. (BDR S-2033)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 89.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1125.

Amend the bill as a whole by deleting sections 1 through 5 and the text of the repealed section and adding a new section designated as section 1, following the enacting clause, to read as follows:

"Section 1. NRS 202.500 is hereby amended to read as follows:

202.500 [It shall be unlawful for any person to own or keep any vicious dog. If any person shall own or keep a vicious dog, and such dog shall injure any person, the owner or keeper of the dog shall be guilty of a misdemeanor.]

1. As used in this section, a dog is:

(a) "Dangerous" if:

(1) It is so declared pursuant to subsection 2; or

(2) Without provocation, on two separate occasions within 18 months, it behaves menacingly, to a degree that would lead a reasonable person to defend himself against substantial bodily harm, when the dog is:

(I) Off the premises of its owner or keeper; or

(II) Not confined in a cage, pen or vehicle.

(b) "Provoked" when it is tormented or subjected to pain.

(c) "Vicious" if:

(1) Without being provoked, it kills or inflicts substantial bodily harm upon a human being; or

(2) After its owner or keeper has been notified by a law enforcement agency that it is dangerous, it continues the behavior described in paragraph (a).

2. A dog may be declared dangerous by a law enforcement agency if it is used in the commission of a crime by its owner or keeper.

3. A dog may not be found dangerous or vicious because of a defensive act against a person who was committing or attempting to commit a crime or who provoked the dog.

4. A person who knowingly:

(a) Owns or keeps a vicious dog, for more than 7 days after he has actual notice that the dog is vicious; or

(b) Transfers ownership of a vicious dog after he has actual notice that the dog is vicious,

is guilty of a misdemeanor.

5. If substantial bodily harm results from an attack by a dog known to be vicious, its owner or keeper shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment. In lieu of, or in addition to, a penalty provided in this subsection, the judge may order the vicious dog to be humanely destroyed.

6. This section does not apply to a dog used by a law enforcement officer in the performance of his duty.".

Amend the title of the bill by deleting the second and third lines and inserting: "owning or keeping a vicious dog; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill by deleting "dangerous animal." and inserting "vicious dog.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bennett moved that Senate Bill No. 462 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bennett.

Motion carried.

Assemblyman Porter moved that Assembly Bills Nos. 697, 780, be placed on the Second Reading File.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 389.

The following Senate amendment was read:

Amendment No. 1017.

Amend section 1, page 1, by deleting lines 3 through 9 and inserting:

"*1. The committee on testing for intoxication may adopt regulations that require:*".

Amend section 1, page 1, line 18, by deleting "*3.*" and inserting "*2.*".

Amend sec. 2, pages 1 and 2, by deleting lines 22 through 24 on page 1 and lines 1 through 42 on page 2 and inserting:

"Sec. 2. (Deleted by amendment.)".

Amend the title of the bill, by deleting the first line and inserting:

"An Act relating to traffic laws; authorizing the committee on testing for intoxication to adopt certain regulations relating to devices used to determine the".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 389.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 499.

The following Senate amendment was read:

Amendment No. 1087.

Amend sec. 2, page 1, line 7, by deleting: "*or problem user*".

Amend sec. 4, page 1, line 18, by deleting "*0.15*" and inserting "*0.18*".

Amend sec. 4, page 1, line 22, by deleting: "*or problem user*".

Amend sec. 8, page 5, line 5, by deleting "[or second]" and inserting "or second".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 499.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 611.

The following Senate amendment was read:

Amendment No. 928.

Amend sec. 3, page 2, line 25, after "*or*" by inserting: "*chapter 463 of NRS and*".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 611.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 481.

The following Senate amendment was read:

Amendment No. 921.

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 108.225 is hereby amended to read as follows:

108.225 1. The liens provided for in NRS 108.221 to 108.246, inclusive, *and section 1 of this act,* are preferred to:

(a) Any lien, mortgage or other encumbrance which may have attached subsequent to the time when the building, improvement or structure was commenced, work done, or materials were commenced to be furnished.

(b) Any lien, mortgage or other encumbrance of which the lienholder had no notice and which was unrecorded at the time the building, improvement or structure was commenced, work done, or the materials were commenced to be furnished.

For the purposes of this subsection, "work done" does not include any work commenced before on-site construction has started.

2. Every mortgage or encumbrance imposed upon, or conveyance made of, property affected by the liens [herein] provided for *in NRS 108.221 to 108.246, inclusive, and section 1 of this act,*between the time when the building, improvement, structure or work thereon was commenced, or the materials thereof were commenced to be furnished, and the expiration of the time [herein] fixed *in NRS 108.221 to 108.246, inclusive, and section 1 of this act,* in which liens therefor may be recorded, whatever the terms of payment may be, [shall be] *are* subordinate and subject to the liens in full [herein authorized,] *authorized in NRS 108.221 to 108.246, inclusive, and section 1 of this act,* regardless of the date of recording of the liens.".

Amend the title of the bill, second line, after "geologist;" by inserting: "clarifying a limitation on the priority of liens for work done;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes regarding eligibility for and priority of mechanics' liens. (BDR 9-1831)".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 481.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 244.

The following Senate amendment was read:

Amendment No. 962.

Amend sec. 3, page 2, line 10, by deleting "*all:*" and inserting: "*any information which is contained in:*".

Amend sec. 3, page 2, line 12, by deleting "*information,*" and inserting "*data,*"

Amend sec. 3, page 2, by deleting lines 18 through 20 and inserting: "*that reveals the identity of a victim of sexual assault is confidential.*".

Amend sec. 4, page 3, line 5, by deleting "*shall:*" and inserting: "*shall make a good faith effort to:*"

Amend sec. 4, page 3, between lines 24 and 25, by inserting:

"*7. A law enforcement agency that complies with the requirements of this section is immune from civil liability for unknowingly or unintentionally:*

(a) Disclosing any information contained on the form filed by a victim of sexual assault pursuant to this section that reveals the identity of the victim; or

(b) Failing to substitute the pseudonym of the victim for the name of the victim on all reports, files and records in the agency's possession.".

Assemblyman Sader moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 244.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 543.

The following Senate amendment was read:

Amendment No. 1029.

Amend the bill as a whole by renumbering sec. 3 as sec. 7 and adding new sections designated sections 3 through 6, following sec. 2, to read as follows:

"Sec. 3. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

If the state public works board waives the requirements of subsection 1 of NRS 393.110 and delegates its powers and duties thereunder to a school district, the school district shall submit a copy of its final plans for any project to which that section applies to the building and planning department of the appropriate city or county before completion of the project.

Sec. 4. NRS 278.580 is hereby amended to read as follows:

278.580 1. The governing body of any city or county may adopt a building code, specifying the design, soundness and materials of structures and rules, ordinances and regulations for the enforcement of the building code.

2. The governing body may also fix a reasonable schedule of fees for the issuance of building permits. Schedules of fees so fixed [shall] *do* not apply to the State of Nevada and its political subdivisions.

3. A city building code which has rules, regulations and specifications more stringent than the building code of the county within which [such] *the* city is located [shall supersede,] *supersedes* with respect to the area within a 3-mile limit of the boundaries of [such] *the* city, any provisions of [such] *the* building code not consistent therewith.

4. [None of the] *The* provisions of subsection 3 [shall be applicable] *do not apply* to farm or ranch buildings in existence on March 30, 1959.

5. Notwithstanding any other provision of law, the state and its political subdivisions must comply with all zoning regulations adopted pursuant to this chapter, except for the expansion of any activity existing on April 23, 1971 [.] *, and except as otherwise provided in subsection 6.*

6. The provisions of this section do not apply to a school district to which the state public works board has delegated its powers and duties under NRS 393.110.

Sec. 5. NRS 278.585 is hereby amended to read as follows:

278.585 [All]

1. Except as otherwise provided in subsection 2, all persons and political subdivisions shall comply with the appropriate city or county building code.

2. The provisions of this section do not apply to a school district to which the state public works board has delegated its powers and duties under NRS 393.110.

Sec. 6. NRS 278.610 is hereby amended to read as follows:

278.610 1. [From and after] *Except as otherwise provided in subsection 3, after* the establishment of the position of building inspector and the filling of the [same]*position* as provided in NRS 278.570, it [shall be]*is* unlawful to erect, construct, reconstruct, alter or change the use of any

building or other structure within the territory covered by the building code or zoning regulations without obtaining a building permit from the building inspector.

2. The building inspector shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration or use fully conform to all building code and zoning regulations then in effect.

3. The provisions of subsection 1 do not apply to a school district to which the state public works board has delegated its powers and duties under NRS 393.110.".

Amend the title of the bill, fifth line, after "district;" by inserting: "exempting a school district from complying with the requirements of the building code of a city or county under certain circumstances;".

Amend the title of the bill to read as follows:

"Summary—Makes various changes relating to construction, alteration or repair of school by school district. (BDR 34-1915)".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 543.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Tiffany moved that Assembly Bill No. 780 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblymen Tiffany, Sader, Toomin and Perkins.

Motion carried.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 4:59 p.m.

ASSEMBLY IN SESSION

At 5:16 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 361, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 697.

Bill read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 786 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Price.

Motion carried unanimously.

Assemblyman Porter moved that Senate Bill No. 361 be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 786.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1213.

Amend section 1, page 1, line 5, by deleting "*$61*" and inserting "*$65*".

Amend section 1, page 1, line 7, by deleting "*$106*" and inserting "*$110*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblymen Sader, Scherer, Price, Regan, Collins, Carpenter and Anderson.

Conflicts of interest declared by Assemblymen Scherer, Regan and Carpenter.

Assemblymen Sader, Collins and Ernaut requested a roll call on Assemblyman Sader's motion.

Remarks by Assemblyman Bonaventura.

Roll call on Assemblyman Sader's motion:

YEAS—5.

NAYS—Anderson, Augustine, Bache, Bennett, Bonaventura, Carpenter, Chowning, Collins, de Braga, Ernaut, Evans, Freeman, Gibbons, Gregory, Haller, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Price, Schneider, Smith, Spitler, Tiffany, Toomin, Myrna Williams, Wendell Williams—34.

Not voting—Regan, Scherer, Mr. Speaker—3.

The motion having failed to receive a majority, Mr. Speaker declared it lost.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 786:

YEAS—33.

NAYS—Collins, Gibbons, Haller, McGaughey, Smith, Spitler—6.

Not voting—Regan, Scherer, Mr. Speaker—3.

Assembly Bill No. 786 having received a constitutional majority, Mr. Speaker declared it passed.

Assemblyman Price moved that all rules be suspended and that Assembly Bill No. 786 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Bill No. 361.
Bill read third time.
Remarks by Assemblymen Porter and Price.
Roll call on Senate Bill No. 361:
YEAS—37.
NAYS—Collins, Evans, Giunchigliani, Haller, Tiffany—5.

Senate Bill No. 361 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 494, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 494 declared an emergency measure under the Constitution and placed on third reading and final passage.
Remarks by Assemblyman Porter.
Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 494.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 494:
YEAS—38.
NAYS—Gibbons, Spitler, Toomin, Myrna Williams—4.

Senate Bill No. 494 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 8, 66, 211, 262, 300, 349, 365, 423, 463, 531, 535, 550, 565, 589, 602, 604, 609, 617, 623, 637, 643, 644, 648, 654, 659, 686, 692, 708, 718, 721, 744, 761; Assembly Joint Resolutions Nos. 20, 28, 29, 37; Assembly Concurrent Resolutions Nos. 23, 62.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Don Bailey and Norm Budden.

On request of Assemblyman Collins, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Robert Combs and Clint Combs.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Thelma Calhoun, Diedre Hammon, Clarrissa Hammon, Brianna Hammon, Adrielle Hammon and Mr. Jim Calhoun, Jr.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Esther Triggs.

On request of Assemblyman Toomin, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Terresa Hall.

Assemblyman Porter moved that the Assembly adjourn until Tuesday, June 29, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 5:38 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-THIRD DAY

CARSON CITY (Tuesday), June 29, 1993

Assembly called to order at 11:29 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Father,

We have had our eyes on ourselves, and You have heard those requests. Please hear us now as we praise You!

Praise Your name O Mighty One.

Praise Your name Most High.

Praise Your name O Lord of Hosts.

Praise Your name O God! AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 376, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Concurrent Resolution No. 50, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 592, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bill No. 370; Senate Joint Resolution No. 27, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 106, 235, 236, 427, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Concurrent Resolution No. 49, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN L. FREEMAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 28, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 394, 483, 578, 584, 667, 742, 773.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 138, 435, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 82, 83.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 256.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 10.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 49.

Assemblyman Freeman moved the adoption of the resolution.

Remarks by Assemblymen Freeman and Carpenter.

Resolution adopted.

Senate Concurrent Resolution No. 50.

Assemblyman Garner moved the adoption of the resolution.

Remarks by Assemblyman Garner.

Resolution adopted.

Assemblyman Porter moved that Assembly Bills Nos. 89, 509, 699, 727, 778, 781; Senate Bills Nos. 23, 411, 413, 430, 474, 550, 554 be placed on the General File.

Motion carried.

Assemblyman Giunchigliani moved that Assembly Bill No. 662 be taken from the Chief Clerk's desk and placed at the top of the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 217.
Bill read third time.
Remarks by Assemblyman Wendell Williams.
Roll call on Assembly Bill No. 217:
YEAS—42.
NAYS—None.

Assembly Bill No. 217 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 697.
Bill read third time.
Assemblyman Price moved that Assembly Bill No. 697 be taken from its position on the General File and placed at the bottom of the General File.
Remarks by Assemblyman Price.
Motion carried.

Assembly Joint Resolution No. 40.
Resolution read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Joint Resolution No. 40:
YEAS—42.
NAYS—None.

Assembly Joint Resolution No. 40 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Bill No. 268.
Bill read third time.
Remarks by Assemblyman Toomin.
Roll call on Senate Bill No. 268:
YEAS—40.
NAYS—None.
Not voting—Scherer, Mr. Speaker—2.

Senate Bill No. 268 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 512.
Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Senate Bill No. 512:
YEAS—42.
NAYS—None.

Senate Bill No. 512 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 89.

Bill read third time.
Remarks by Assemblymen Smith, Anderson and Collins.
Roll call on Assembly Bill No. 89:
YEAS—40.
NAYS—Anderson, Marvel—2.

Assembly Bill No. 89 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 509.
Bill read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Assembly Bill No. 509:
YEAS—41.
NAYS—None.
Not voting—Porter.

Assembly Bill No. 509 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 699.
Bill read third time.
Assemblyman Price moved that Assembly Bill No. 699 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Price.
Motion carried.

Assembly Bill No. 727.
Bill read third time.
Remarks by Assemblyman Heller.
Roll call on Assembly Bill No. 727:
YEAS—42.
NAYS—None.

Assembly Bill No. 727 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 778.
Bill read third time.
Remarks by Assemblymen Porter, Giunchigliani and Arberry.
Roll call on Assembly Bill No. 778:
YEAS—31.
NAYS—Augustine, Bennett, Collins, Ernaut, Gibbons, Gregory, Heller, Lambert, McGaughey, Price, Tiffany—11.

Assembly Bill No. 778 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 781.
Bill read third time.

Remarks by Assemblyman Regan.
Roll call on Assembly Bill No. 781:
YEAS—42.
NAYS—None.

Assembly Bill No. 781 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 89, 217, 509, 727, 778, 781; Assembly Joint Resolution No. 40; Senate Concurrent Resolutions Nos. 49, 50 be immediately transmitted to the Senate.
Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 23.
Bill read third time.
Assemblyman Arberry moved that Senate Bill No. 23 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Arberry.
Motion carried.

Senate Bill No. 411.
Bill read third time.
Remarks by Assemblyman Segerblom.
Roll call on Senate Bill No. 411:
YEAS—42.
NAYS—None.

Senate Bill No. 411 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 413.
Bill read third time.
Remarks by Assemblyman Bonaventura.
Roll call on Senate Bill No. 413:
YEAS—34.
NAYS—Gibbons, Hettrick, Humke, Lambert, Marvel, Neighbors, Scherer, Mr. Speaker—8.

Senate Bill No. 413 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 430.
Bill read third time.
Remarks by Assemblyman Scherer.

Roll call on Senate Bill No. 430:

YEAS—42.

NAYS—None.

Senate Bill No. 430 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 474.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Senate Bill No. 474:

YEAS—42.

NAYS—None.

Senate Bill No. 474 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Senate Bill No. 462 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Sader.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 550.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 550:

YEAS—40.

NAYS—Carpenter, Scherer—2.

Senate Bill No. 550 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 554.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Senate Bill No. 554:

YEAS—42.

NAYS—None.

Senate Bill No. 554 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 697.

Bill read third time.

Assemblyman Price moved that Assembly Bill No. 697 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Price.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Scherer moved that Senate Bill No. 477 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Scherer.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 4, 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 785, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 785; Senate Bills Nos. 4, 106, 235, 236, 370, 376, 391, 405, 427, 490; Senate Joint Resolution No. 27 be placed on the Second Reading File.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:28 p.m.

ASSEMBLY IN SESSION

At 12:58 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 640, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Concurrent Resolution No. 51, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 452, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 470, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 29, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 39, 556, 583, 618, 629, 647, 689, 750.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 103, 314, 386, 427, 468, 614, 661, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 28, 362, 428, 472, 475, 501, 518, 528, 545.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 47.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 23 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

Assemblyman Toomin moved that Assembly Bill No. 780 be taken from the Chief Clerk's desk and placed on the Second Reading File immediately following Assembly Bill No. 785.

Remarks by Assemblyman Toomin.

Motion carried.

Assemblyman Wendell Williams moved that Senate Bill No. 218 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Wendell Williams.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 772, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 51.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblyman Evans.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 662.

Bill read second time.

The following amendment was proposed by the Committee on Labor and Management:

Amendment No. 1066.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. NRS 616.220 is hereby amended to read as follows:

616.220 The administrator shall:

1. Prescribe by regulation the time within which adjudications and awards must be made.

2. Regulate forms of notices, claims and other blank forms deemed proper and advisable. *Each form to be used by a provider of health care which regards an injured employee must require the inclusion of the social security number of the injured employee.*

3. Prescribe by regulation the methods by which an insurer may approve or reject claims, and may determine the amount and nature of benefits payable in connection therewith.

4. Provide by regulation for adequate notice to each claimant and employer of his right:

(a) To the resolution of a contested claim in the manner provided in section 79 of this act.

(b) To a hearing in the manner provided in NRS 616.5412 to 616.544, inclusive.

(c) To judicial review of any final decision.

5. Prescribe by regulation the method for reimbursing an injured employee for expenses necessarily incurred for travel more than 20 miles one way from his residence or place of employment to his destination as a result of an industrial injury.

6. Except with respect to any matter committed by specific statute to the regulatory authority of another person or agency, adopt such other regulations as he deems necessary to carry out the provisions of this chapter and chapter 617 of NRS.

Sec. 2. NRS 616.400 is hereby amended to read as follows:

616.400 1. Except for a self-insured employer, every employer within, and those electing to be governed by, the provisions of this chapter, shall, on or before the 25th day of the month immediately after the end of the assigned reporting period furnish the system with a true and accurate payroll for that period showing:

(a) The [total amount paid to employees for services performed;] *name, classification of employment, gross wages for the period and social security number of each of his employees;*

(b) The amount of tips reported to him by [every] *each* employee pursuant to 26 U.S.C. § 6053(a), whose tips in cash totaled $20 or more; [and

(c) A segregation of employment in accordance with the requirements of the system,]

(c) The total amount paid to all employees, including reported tips, for services performed during the period, segregated by classification; and

(d) Any other information required by regulation of the division,

together with the premium due thereon.

2. In determining the total amount paid to employees by each employer for services performed during a calendar year, the maximum amount paid by each employer to any one employee during the calendar year shall be deemed to be:

(a) For the period beginning October 1, 1992, and ending December 31, 1992, the first $27,000 paid to the employee during the calendar year of 1992.

(b) For the period beginning January 1, 1993, and ending December 31, 1993, the first $27,000 paid to the employee.

(c) For the period beginning January 1, 1994, and ending December 31, 1994, the first $30,000 paid to the employee.

(d) For the period beginning January 1, 1995, and ending December 31, 1995, the first $33,000 paid to the employee.

3. Any employer by agreement in writing with the manager may arrange for the payment of premiums in advance for a period of more than 60 days.

4. Failure of any employer to comply with the provisions of this section and NRS 616.395 operates as a rejection of this chapter, effective at the expiration of the period covered by his estimate. The manager shall notify the administrator of each such rejection.

5. If an audit of the accounts or actual payroll of an employer shows that the actual premium earned exceeds the estimated premium paid in advance, the manager may require the payment of money sufficient to cover the deficit, together with such amount as in his judgment constitutes an adequate advance premium for the period covered by the estimate.

6. The manager shall notify any employer or his representative by first-class mail of any failure on his part to comply with the provisions of this section. The notice or its omission does not modify or waive the requirements or effective rejection of this chapter as otherwise provided in this chapter.

7. The system may impose a penalty not to exceed 4 percent of the premiums which are due or $15, whichever is greater, for the failure of an employer to submit the information and premium required in subsection 1 within the time allowed, unless the employer has applied for and been granted an extension of that time by the manager.

8. To the extent permitted by federal law, the system shall vigorously pursue the collection of premiums that are due under the provisions of this chapter even if an employer's debts have been discharged in a bankruptcy proceeding.

Sec. 3. Section 4 of Assembly Bill No. 342 of this session is hereby amended to read as follows:

Sec. 4. NRS 616.400 is hereby amended to read as follows:

616.400 1. Except for a self-insured employer or an employer who is a member of an association of self-insured public or private employers, every employer within, and those electing to be governed by, the provisions of this chapter, shall, on or before the 25th day of the month immediately after the end of the assigned reporting period furnish the system with a true and accurate payroll for that period showing:

(a) The name, classification of employment, gross wages for the period and social security number of each of his employees;

(b) The amount of tips reported to him by each employee pursuant to 26 U.S.C. § 6053(a), whose tips in cash totaled $20 or more;

(c) The total amount paid to all employees, including reported tips, for services performed during the period, segregated by classification; and

(d) Any other information required by regulation of the division,

together with the premium due thereon.

2. In determining the total amount paid to employees by each employer for services performed during a calendar year, the maximum amount paid by each employer to any one employee during the calendar year shall be deemed to be [:

(a) For the period beginning October 1, 1992, and ending December 31, 1992, the first $27,000 paid to the employee during the calendar year of 1992.

(b) For the period beginning January 1, 1993, and ending December 31, 1993, the first $27,000 paid to the employee.

(c) For the period beginning January 1, 1994, and ending December 31, 1994, the first $30,000 paid to the employee.

(d) For the period beginning January 1, 1995, and ending December 31, 1995,] the first [$33,000] *$36,000* paid to the employee [.] *during the calendar year.*

3. Any employer by agreement in writing with the manager may arrange for the payment of premiums in advance for a period of more than 60 days.

4. Failure of any employer to comply with the provisions of this section and NRS 616.395 operates as a rejection of this chapter, effective at the expiration of the period covered by his estimate. The manager shall notify the administrator of each such rejection.

5. If an audit of the accounts or actual payroll of an employer shows that the actual premium earned exceeds the estimated premium paid in advance, the manager may require the payment of money sufficient to cover the deficit, together with such amount as in his judgment constitutes an adequate advance premium for the period covered by the estimate.

6. The manager shall notify any employer or his representative by first-class mail of any failure on his part to comply with the provisions of this section. The notice or its omission does not modify or waive the requirements or effective rejection of this chapter as otherwise provided in this chapter.

7. The system may impose a penalty not to exceed 4 percent of the premiums which are due or $15, whichever is greater, for the failure of an employer to submit the information and premium required in subsection 1 within the time allowed, unless the employer has applied for and been granted an extension of that time by the manager.

8. To the extent permitted by federal law, the system shall vigorously pursue the collection of premiums that are due under the provisions of this chapter even if an employer's debts have been discharged in a bankruptcy proceeding.

Sec. 4. Section 150.5 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 150.5. NRS 616.400 is hereby amended to read as follows:

616.400 1. Except for a self-insured employer [,] *or an employer who is a member of an association of self-insured public or private employers,* every employer within, and those electing to be governed by, the provisions of this chapter, shall, on or before the 25th day of the month immediately after the end of the assigned reporting period furnish the system with a true and accurate payroll for that period showing:

(a) The name, classification of employment, gross wages for the period and social security number of each of his employees;

(b) The amount of tips reported to him by each employee pursuant to 26 U.S.C. § 6053(a), whose tips in cash totaled $20 or more;

(c) The total amount paid to all employees, including reported tips, for services performed during the period, segregated by classification; and

(d) Any other information required by regulation of the division,

together with the premium due thereon.

2. In determining the total amount paid to employees by each employer for services performed during a calendar year, the maximum amount paid by each employer to any one employee during the calendar year shall be deemed to be:

(a) For the period beginning October 1, 1992, and ending December 31, 1992, the first $27,000 paid to the employee during the calendar year of 1992.

(b) For the period beginning January 1, 1993, and ending December 31, 1993, the first $27,000 paid to the employee.

(c) For the period beginning January 1, 1994, and ending December 31, 1994, the first $30,000 paid to the employee.

(d) For the period beginning January 1, 1995, and ending December 31, 1995, the first $33,000 paid to the employee.

3. Any employer by agreement in writing with the manager may arrange for the payment of premiums in advance for a period of more than 60 days.

4. Failure of any employer to comply with the provisions of this section and NRS 616.395 operates as a rejection of this chapter, effective at the expiration of the period covered by his estimate. The manager shall notify the administrator of each such rejection.

5. If an audit of the accounts or actual payroll of an employer shows that the actual premium earned exceeds the estimated premium paid in advance, the manager may require the payment of money sufficient to cover the deficit, together with such amount as in his judgment constitutes an adequate advance premium for the period covered by the estimate.

6. The manager shall notify any employer or his representative by first-class mail of any failure on his part to comply with the provisions of this section. The notice or its omission does not modify or waive the requirements or effective rejection of this chapter as otherwise provided in this chapter.

7. The system may impose a penalty not to exceed 4 percent of the premiums which are due or $15, whichever is greater, for the failure of an employer to submit the information and premium required in subsection 1 within the time allowed, unless the employer has applied for and been granted an extension of that time by the manager.

8. To the extent permitted by federal law, the system shall vigorously pursue the collection of premiums that are due under the provisions of this chapter even if an employer's debts have been discharged in a bankruptcy proceeding.".

Amend the title of the bill to read as follows:

"An Act relating to industrial insurance; requiring certain employers to report information to the state industrial insurance system which identifies their individual employees; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires certain employers to report information to state industrial insurance system which identifies their individual employees. (BDR 53-2061)".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 785.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 780.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1246.

Amend section 1, page 1, by deleting lines 8 through 11 and inserting:

"2. *The term does not include any such structure at:*

(a) A private residence if the structure is controlled by the owner or other authorized occupant of the residence and the use of the structure is limited to members of the family of the owner or authorized occupant of the residence or invited guests of the owner or authorized occupant of the residence.

(b) A family foster home as defined in subsection 1 of NRS 424.010.

(c) A child care facility, as defined in NRS 432A.024, furnishing care to 12 children or less.

(d) Any other residence or facility as determined by the state board of health.".

Amend the bill as a whole by deleting sec. 6 and adding new sections designated sections 6 through 8, following sec. 5, to read as follows:

"Sec. 6. Section 2 of Assembly Bill No. 686 of this session is hereby amended to read as follows:

Sec. 2. NRS 444.090 is hereby amended to read as follows:

444.090 1. For the purposes of NRS 444.070 to 444.120, inclusive, [and] section 1 of [this act,] *Assembly Bill No. 780 of this session and section 1 of this act,* the health authority must be permitted to enter upon any and all parts of the premises of bathing and swimming places to examine and investigate the sanitary condition of such places and to determine whether the provisions of NRS 444.070 to 444.120, inclusive, [and] section 1 of [this act,] *Assembly Bill No. 780 of this session and section 1 of this act,* or the rules and regulations of the state board of health or local board of health pertaining thereto are being violated.

2. The results of an inspection must be reported to the health authority within 7 days following the inspection.

3. The health authority may publish the report of the inspection.

Sec. 7. Notwithstanding the amendatory provisions of this act:

1. An existing public swimming pool for which a currently valid permit to operate is in issuance by the health authority on the effective date of this act and which, as a result of the amendatory provisions of this act becomes subject to the regulations adopted by the state board of health or by a local board of health for public swimming pools, shall be deemed to be in compliance with those regulations.

2. The owner or operator of an existing public swimming pool for which a currently valid permit to operate is not in issuance by the health authority on the effective date of this act and which, as a result of the amendatory provisions of this act becomes subject to the regulations adopted by the state board of health or by a local board of health for public swimming pools, shall be deemed to be in compliance with those regulations until October 1, 1994. The owner or operator must not continue to operate the public swimming pool on or after October 1, 1994, unless the public swimming pool is in actual compliance with those regulations.

Sec. 8. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"An Act relating to swimming pools; defining "public swimming pool" for purposes of laws and regulations governing public swimming pools;

providing that certain public swimming pools are deemed to be in compliance with regulations governing public swimming pools; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Defines "public swimming pool" for purposes of laws and regulations governing public swimming pools. (BDR 40-1968)".

Assemblyman Toomin moved the adoption of the amendment.

Remarks by Assemblyman Toomin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 4.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1205.

Amend section 1, page 1, by deleting line 6 and inserting: "the construction of any] , *vehicle,* street, public highway or other public work , *facility*".

Amend section 1, page 1, by deleting lines 11 through 13 and inserting:

"*2. An inspection conducted with regard to a private building, structure, facility or improvement constitutes a public duty and does not warrant or ensure the absence of any hazard, deficiency or other matter.*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 106.

Bill read second time and ordered to third reading.

Senate Bill No. 235.

Bill read second time and ordered to third reading.

Senate Bill No. 236.

Bill read second time and ordered to third reading.

Senate Bill No. 370.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1178.

Amend section 1, page 1, by deleting line 6 and inserting:

"(c) The University and Community College System of Nevada.".

Amend section 1, page 1, line 7, by deleting the closed bracket.

Amend section 1, page 1, line 8, by deleting "[(e)] *(d)*" and inserting "(e)".

Amend section 1, page 1, line 9, by deleting "[(f)] *(e)*" and inserting "(f)".

Amend section 1, page 1, line 10, by deleting "[(g)] *(f)*" and inserting "(g)".

Amend section 1, page 1, line 11, by deleting "[(h)] *(g)*" and inserting "(h)".

Amend section 1, page 1, line 12, by deleting "[(i)] *(h)*" and inserting "(i)".

Amend section 1, page 1, by deleting line 14 and inserting:

"(j) The office of the state engineer.".

Amend sec. 9, page 6, line 22, by deleting "3" and inserting "10".

Amend the bill as a whole by deleting sections 11 through 13 and renumbering sections 14 and 15 as sections 11 and 12.

Amend the bill as a whole by deleting sections 16 through 18 and the text of the repealed section and adding new sections designated sections 13 and 14, following sec. 15, to read as follows:

"Sec. 13. Section 7 of Senate Bill No. 313 of this session is hereby amended to read as follows:

Sec. 7. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The governor.

(b) The department of prisons.

(c) The University and Community College System of Nevada.

(d) The department of the military.

(e) The state gaming control board.

(f) The Nevada gaming commission.

(g) The state board of parole commissioners.

(h) The welfare division of the department of human resources.

(i) The state board of examiners acting pursuant to chapter 217 of NRS.

(j) The office of the state engineer.

2. [The] *Except as otherwise provided in section 3 of this act, the* department of education, the committee on benefits and the commission on professional standards in education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the employment security department;

(b) Chapters 616 and 617 of NRS for the determination of contested claims;

(c) Chapter 703 of NRS for the judicial review of decisions of the public service commission of Nevada;

(d) Chapter 91 of NRS for the judicial review of decisions of the administrator of the securities division of the office of the secretary of state; and

(e) NRS 90.800 for the use of summary orders in contested cases,

prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the department of human resources in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including but not limited to quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the state board of agriculture, the state board of health, the state board of sheep commissioners or any other agency of this state in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control; or

(b) An extraordinary regulation of the state board of pharmacy adopted pursuant to NRS 453.2184.

Sec. 14. 1. This section and sections 2 to 8, inclusive, and 10 to 13, inclusive, of this act become effective on July 1, 1993.

2. Sections 1 and 9 of this act become effective at 12:01 a.m. on July 1, 1993.".

Amend the title of the bill by deleting the first through fourth lines and inserting:

"An Act relating to administrative procedure; making various changes".

Amend the summary of the bill, first line, after "to" by inserting "Nevada".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 376.

Bill read second time and ordered to third reading.

Senate Bill No. 391.

Bill read second time and ordered to third reading.

Senate Bill No. 405.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1049.

Amend the bill as a whole by adding new sections designated sections 6 through 8, following sec. 5, to read as follows:

"Sec. 6. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

A witness is absolutely privileged to publish defamatory matter as part of a legislative proceeding in which he is testifying or in communications to a legislator preliminary to the proceeding, if the matter has some relation to the proceeding. It is unlawful to misrepresent any fact knowingly when testifying or otherwise communicating to a legislator.

Sec. 7. The legislature hereby finds and declares that the privilege added by section 6 of this act is declaratory and not in derogation of the common law, and that this act is therefore a clarification of existing law.

Sec. 8. This act becomes effective upon passage and approval and applies to actions commenced before the effective date of this act if a final judgment has not been entered in the action.".

Amend the title of the bill, second line, after "entity;" by inserting: "clarifying that a witness in a legislative proceeding has an absolute privilege to publish defamatory matter relevant to a proceeding;".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions governing immunity from civil action for certain communications made in good faith to governmental entity and clarifies law governing witness in legislative proceeding. (BDR 3-995)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 427.

Bill read second time and ordered to third reading.

Senate Bill No. 490.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 27.

Resolution read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1107.

Amend the resolution, page 2, between lines 25 and 26, by inserting:

"RESOLVED, That the Legislature of the State of Nevada hereby urges the Congress of the United States to consent to the amendment of the ordinance of the Nevada constitution to remove the disclaimer concerning the right of the Federal Government to sole and entire disposition of the unappropriated public lands in Nevada; and be it further".

Amend the resolution, page 2, by deleting line 31 and inserting: "Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval, except that, notwithstanding any other provision of law, the proposed amendment to the ordinance of the constitution of the State of Nevada, if approved and ratified by the people of the State of Nevada, does not become effective until the Congress of the United States consents to the amendment or upon a legal determination that such consent is not necessary.".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Resolution ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 462.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1203.

Amend the bill as a whole by deleting sec. 61 and inserting:

"Sec. 61. (Deleted by amendment.)".

Amend the bill as a whole by renumbering sections 97 and 98 as sections 102 and 103 and adding new sections designated sections 97 through 101, following sec. 96, to read as follows:

Sec. 97. Section 10 of Assembly Bill No. 531 of this session is hereby amended to read as follows:

Sec. 10. NRS 244.3351 is hereby amended to read as follows:

244.3351 1. Except as otherwise provided in subsection 2 of NRS 244.3359, in addition to all other taxes imposed on the [revenues] *revenue* from the rental of transient lodging, a board of county commissioners may by ordinance, but not as in a case of emergency, impose a tax at the rate of 1 percent of the gross receipts from the rental of transient lodging pursuant to either paragraph (a) or (b) as follows:

(a) After receiving the approval of a majority of the registered voters of the county voting on the question at a special , *primary* or general election, the board of county commissioners may impose the tax throughout the county, including its incorporated cities, upon all persons in the business of providing lodging. The question may be combined with a question submitted pursuant to NRS 278.710, 365.203, 371.045 or 377A.020, or any combination thereof.

(b) After receiving the approval of a majority of the registered voters who reside within the boundaries of a transportation district created pursuant to NRS 244A.252, voting on the question at a special , *primary* or general district election, the board of county commissioners may impose the tax within the boundaries of the transportation district upon all persons in the business of providing lodging. The question may be combined with a question submitted pursuant to NRS 278.710.

2. *A special election may be held only if the board of county commissioners determines, by a unanimous vote, that an emergency exists. The determination made by the board of county commissioners is conclusive unless it is shown that the board acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the board must be commenced within 15 days after the board's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the board of county commissioners to prevent or mitigate a substantial financial loss to the county or to enable the board to provide an essential service to the residents of the county.*

3. The ordinance imposing the tax must include all the matters required by NRS 244.3352 for the mandatory tax, must be administered in the same manner, and imposes the same liabilities, except:

(a) Collection of the tax imposed pursuant to this section must not commence earlier than the first day of the second calendar month after adoption of the ordinance imposing the tax; and

(b) The governmental entity collecting the tax must transfer all collections to the county and may not retain any part of the tax as a collection or administrative fee.

Sec. 98. Section 33 of Assembly Bill No. 531 of this session is hereby amended to read as follows:

Sec. 33. NRS 278.710 is hereby amended to read as follows:

278.710 1. A board of county commissioners may by ordinance, but not as in a case of emergency, impose a tax for the improvement of transportation on the privilege of new residential, commercial, industrial and other development pursuant to [either] paragraph (a) or (b) as follows:

(a) After receiving the approval of a majority of the registered voters of the county voting on the question at a [regular or] special *election or the next primary or general* election, the board of county commissioners may impose the tax throughout the county, including any such development in incorporated cities in the county. A county may combine this question with a question submitted pursuant to NRS 244.3351, 365.203, 371.045 or 377A.020, or any combination thereof.

(b) After receiving the approval of a majority of the registered voters who reside within the boundaries of a transportation district created pursuant to NRS 244A.252, voting on the question at a special or general district election [,] *or primary or general state election,* the board of county commissioners may impose the tax within the boundaries of the district. A county may combine this question with a question submitted pursuant to NRS 244.3351.

2. *A special election may be held only if the board of county commissioners determines, by a unanimous vote, that an emergency exists. The determination made by the board of county commissioners is conclusive unless it is shown that the board acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the board must be commenced within 15 days after the board's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the board of county commissioners to prevent or mitigate a substantial financial loss to the county or to enable the board of county commissioners to provide an essential service to the residents of the county.*

3. The tax imposed pursuant to this section must be at such a rate and based on such criteria and classifications as the board of county commissioners determines to be appropriate. Each such determination is conclusive unless it constitutes an arbitrary and capricious abuse of discretion, but the tax imposed must not exceed $500 per single-family dwelling unit of new residential development, or the equivalent thereof as determined by the board of county commissioners, or 50 cents per square foot on other new development. If so provided in the ordinance, a newly developed lot for a mobile home shall be considered a single-family dwelling unit of new residential development.

[3.] *4.* The tax imposed pursuant to this section must be collected before the time a certificate of occupancy for a building or other structure constituting new development is issued, or at such other time as is specified in the ordinance imposing the tax. If so provided in the ordinance, no certificate of occupancy may be issued by any local government unless proof

of payment of the tax is filed with the person authorized to issue the certificate of occupancy. Collection of the tax imposed pursuant to this section must not commence earlier than the first day of the second calendar month after adoption of the ordinance imposing the tax.

[4.] *5.* In a county in which a tax has been imposed pursuant to paragraph (a) of subsection 1, the revenue derived from the tax must be used exclusively to pay the cost of:

(a) Projects related to the construction and maintenance of sidewalks, streets, avenues, boulevards, highways and other public rights of way used primarily for vehicular traffic, including, without limitation, overpass projects, street projects and underpass projects, as defined in NRS 244A.037, 244A.053 and 244A.055, within the boundaries of the county or within 1 mile outside those boundaries if the board of county commissioners finds that such projects outside the boundaries of the county will facilitate transportation within the county;

(b) [Payment of] *The* principal and interest on notes, bonds or other obligations incurred to fund projects described in paragraph (a); or

(c) Any combination of those uses.

[5.] *6.* In a transportation district in which a tax has been imposed pursuant to paragraph (b) of subsection 1, the revenue derived from the tax must be used exclusively to pay the cost of:

(a) Projects related to the construction and maintenance of sidewalks, streets, avenues, boulevards, highways and other public rights of way used primarily for vehicular traffic, including, without limitation, overpass projects, street projects and underpass projects, as defined in NRS 244A.037, 244A.053 and 244A.055, within the boundaries of the district or within such a distance outside those boundaries as is stated in the ordinance imposing the tax, if the board of county commissioners finds that such projects outside the boundaries of the district will facilitate transportation within the district;

(b) [Payment of] *The* principal and interest on notes, bonds or other obligations incurred to fund projects described in paragraph (a); or

(c) Any combination of those uses.

[6.] *7.* The county may expend the proceeds of the tax authorized by this section, or any borrowing in anticipation of the tax, pursuant to an interlocal agreement between the county and the regional transportation commission of the county with respect to the projects to be financed with the proceeds of the tax.

[7.] *8.* The provisions of chapter 278B of NRS and any action taken pursuant to that chapter do not limit or in any other way apply to any tax imposed pursuant to this section.

Sec. 99. Section 62 of Assembly Bill No. 531 of this session is hereby amended to read as follows:

Sec. 62. NRS 365.203 is hereby amended to read as follows:

365.203 1. A board of county commissioners may by ordinance, but not as in a case of emergency, after receiving the approval of a majority of the registered voters of the county voting on the question at a *primary,*

general or special election, impose a tax of not more than 4 cents per gallon on fuel for jet or turbine-powered aircraft sold, distributed or used in the county. A county may combine this question with questions submitted pursuant to NRS 244.3351, 278.710, 371.045 or 377A.020, or any combination thereof.

2. *A special election may be held only if the board of county commissioners determines, by a unanimous vote, that an emergency exists. The determination made by the board is conclusive unless it is shown that the board acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the board must be commenced within 15 days after the board's determination is final. As used in this subsection, emergency means any unexpected occurrence or combination of occurrences which requires immediate action by the board of county commissioners to prevent or mitigate a substantial financial loss to the county or to enable the board to provide an essential service to the residents of the county.*

3. A tax imposed pursuant to this section must be imposed on all taxpayers at the same rate. The county shall not allow any discounts, exemptions or other variance of the rate of the tax for any taxpayer except for the state or a political subdivision of the state.

[3.] *4.* Collection of the tax imposed pursuant to this section must not commence earlier than the first day of the second calendar month after adoption of the ordinance imposing the tax.

Sec. 100. Section 64 of Assembly Bill No. 531 of this session is hereby amended to read as follows:

Sec. 64. NRS 371.045 is hereby amended to read as follows:

371.045 1. A board of county commissioners may by ordinance, but not as in a case of emergency, after receiving the approval of a majority of the registered voters voting on the question at a *primary,* general or special election, impose a supplemental privilege tax of not more than 1 cent on each $1 of valuation of the vehicle for the privilege of operating upon the public streets, roads and highways of the county on each vehicle based in the county except:

(a) A vehicle exempt from the motor vehicle privilege tax pursuant to this chapter; or

(b) A vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations.

2. A county may combine this question with questions submitted pursuant to NRS 244.3351, 278.710, 365.203 or 377A.020, or any combination thereof.

3. *A special election may be held only if the board of county commissioners determines, by a unanimous vote, that an emergency exists. The determination made by the board is conclusive unless it is shown that the board acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the board must be commenced within 15 days after the board's determination is final. As used in this subsection, emergency means any unexpected occurrence or combination of occurrences which*

requires immediate action by the board of county commissioners to prevent or mitigate a substantial financial loss to the county or to enable the board to provide an essential service to the residents of the county.

4. Collection of the tax imposed pursuant to this section must not commence earlier than the first day of the second calendar month after adoption of the ordinance imposing the tax.

[4.] *5.* Except as otherwise provided in subsection [5,] *6,* the county shall use the proceeds of the tax to pay the cost of:

(a) Projects related to the construction and maintenance of sidewalks, streets, avenues, boulevards, highways and other public rights of way used primarily for vehicular traffic, including, without limitation, overpass projects, street projects or underpass projects, as defined in NRS 244A.037, 244A.053 and 244A.055, within the boundaries of the county or within 1 mile outside those boundaries if the board of county commissioners finds that such projects outside the boundaries of the county will facilitate transportation within the county;

(b) Payment of principal and interest on notes, bonds or other obligations incurred to fund projects described in paragraph (a); or

(c) Any combination of those uses.

[5.] *6.* The county may expend the proceeds of the supplemental privilege tax authorized by this section, or any borrowing in anticipation of that tax, pursuant to an interlocal agreement between the county and the regional transportation commission of the county with respect to the projects to be financed with the proceeds of the tax.

[6.] *7.* As used in this section, "based" has the meaning ascribed to it in NRS 482.011.

Sec. 101. Section 70 of Assembly Bill No. 531 of this session is hereby amended to read as follows:

Sec. 70. NRS 377A.020 is hereby amended to read as follows:

377A.020 1. The board of county commissioners of any county may enact an ordinance imposing a tax for public mass transportation and construction of public roads pursuant to NRS 377A.030. The board of county commissioners of any county whose population is less than 400,000 may enact an ordinance imposing a tax to promote tourism pursuant to NRS 377A.030.

2. An ordinance enacted pursuant to this chapter may not become effective before a question concerning the imposition of the tax is approved by a majority of the registered voters of the county voting upon the question which the board may submit to the voters at any *primary, general or special* election. A county may combine the question for mass transportation and public roads with questions submitted pursuant to NRS 244.3351, 278.710, 365.203 or 371.045, or any combination thereof. The board shall also submit to the voters any proposal to change the previously approved uses for the proceeds of the tax.

3. *A special election may be held only if the board of county commissioners determines, by a unanimous vote, that an emergency exists. The determination made by the board is conclusive unless it is shown that the board*

acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the board must be commenced within 15 days after the board's determination is final. As used in this subsection, emergency means any unexpected occurrence or combination of occurrences which requires immediate action by the board of county commissioners to prevent or mitigate a substantial financial loss to the county or to enable the board to provide an essential service to the residents of the county.

4. Any ordinance enacted pursuant to this section must specify the date on which the tax must first be imposed, which must not be earlier than the first day of the second calendar month following the approval of the question by the voters.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 477.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1143.

Amend section 1, page 1, line 2, by deleting: "2 to 5, inclusive," and inserting: "2, 3 and 4".

Amend sec. 3, page 1, line 5, after "*expressed,*" by inserting: "*including expression as a time price differential,*".

Amend the bill as a whole by deleting sec. 5 and inserting:

"Sec. 5. (Deleted by amendment.)".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 23.

Bill read third time.

Remarks by Assemblymen Hettrick, de Braga, Garner and Kenny.

Roll call on Senate Bill No. 23:

YEAS—31.

NAYS—Bonaventura, Collins, de Braga, Haller, Heller, Kenny, Perkins, Porter, Price, Smith—10.

Not voting—Toomin.

Senate Bill No. 23 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 218.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Assemblyman Giunchigliani moved that Senate Bill No. 218 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 536; Senate Bills Nos. 52, 107, 265, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were re-referred Assembly Bills Nos. 193, 321, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 787, 788; Senate Bills Nos. 551, 562, 567, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 361, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

STEPHANIE SMITH	ERNEST E. ADLER
SCOTT SCHERER	MARK A. JAMES
BERNIE ANDERSON	LAWRENCE E. JACOBSEN
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Smith moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 361.

Remarks by Assemblyman Smith.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 197, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Committee on Conference, to consist of three members, for the further consideration of the measure.

LOUIS A. TOOMIN	BOB COFFIN
MARCIA DE BRAGA	RANDOLPH J. TOWNSEND
KATHY M. AUGUSTINE	WILLIAM R. O'DONELL
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Toomin moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 197.

Remarks by Assemblyman Toomin.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Concurrent Resolution No. 17, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

JAN EVANS	BOB COFFIN
KATHY M. AUGUSTINE	WILLIAM R. O'DONNELL
WILLIAM A. PETRAK	RAYMOND D. RAWSON
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Evans moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Concurrent Resolution No. 17.

Remarks by Assemblyman Evans.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that Senate Bill No. 41 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Price.

Motion carried.

Senate Concurrent Resolution No. 47:

Assemblyman Porter moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 28.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 362.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 428.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 472.

Assemblyman Porter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 475.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 501.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 518.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 528.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 545.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 6, 540, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

GENERAL FILE AND THIRD READING

Senate Bill No. 41.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1235

Amend sec. 9, page 4, by deleting lines 22 through 24.

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Senate Bills Nos. 268, 411, 413, 430, 474, 512, 550, 554; Senate Concurrent Resolution No. 51 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Porter moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 1:42 p.m.

ASSEMBLY IN SESSION

At 5:02 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 693, 783; Senate Bills Nos. 237, 458, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was re-referred Assembly Bill No. 764, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 480, 784; Senate Bill No. 399, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was re-referred Assembly Bill No. 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which were referred Assembly Bill No. 552; Assembly Joint Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Bill No. 206, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 471, 526, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 533, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Concurrent Resolution No. 47, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 298, 491, 495, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERT M. SADER, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Sente Bills Nos. 501, 518, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved that Assembly Bill No. 206 be re-referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Tiffany, Myrna Williams, Anderson, Gibbons, Garner, Smith, Lambert, Haller, McGaughey, Bache, Arberry, Bennett, Collins, Regan, Bonaventura, Perkins, Heller, Petrak, Augustine, Wendell Williams, Hettrick, Gregory, Humke, Schneider, Ernaut, Spitler, Toomin, Evans, Segerblom, Giunchigliani, Kenny, Scherer, Freeman, Neighbors, Chowning, de Braga, Sader, Price, Dini, Marvel and Porter:

Assembly Joint Resolution No. 42—Urging the President of the United States not to use the surplus in Social Security to reduce the national debt and limit the budget deficit.

Assemblyman Myrna Williams moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Resolution No. 12—Adopting the condensation, explanation, arguments and fiscal note for Assembly Bill No. 173 of the 67th legislative session.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

Senate Concurrent Resolution No. 47.

Resolution read.

Assemblyman Evans moved that Senate Concurrent Resolution No. 47 be placed on the Chief Clerk's desk.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:11 p.m.

ASSEMBLY IN SESSION

At 5:45 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 190, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 731, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 20, 321, 404, 480, 536, 552, 640, 693, 764, 772, 783, 784, 787, 788; Assembly Joint Resolution No. 6; Senate Bills Nos. 6, 52, 107, 237, 265, 298, 399, 421, 452, 458, 470, 471, 495, 526, 533, 540, 551, 562, 567 be placed on the Second Reading File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 29, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 444 and requests a conference, and appointed Senators Rawson, O'Donnell and Glomb a a first Committee on Conference to meet with a like committee of the Assembly.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Evans, Spitler and Heller as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 444.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Chowning, Dini, Bache, Kenny, Smith, Giunchigliani, Bennett, Anderson, Arberry, Augustine, Bonaventura, Carpenter, Collins, de Braga, Ernaut, Evans, Freeman, Garner, Gibbons, Gregory, Haller, Heller, Hettrick, Humke, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Price, Regan, Sader, Scherer, Schneider, Segerblom, Spitler, Tiffany, Toomin, Myrna Williams and Wendell Williams:

Assembly Concurrent Resolution No. 84—Commending Michael H. Meyer, Executive Director of the Boys and Girls Clubs of Las Vegas.

Assemblyman Chowning moved the adoption of the resolution.

Remarks by Assemblyman Chowning.

Assemblyman Humke requested that Assemblyman Chowning's remarks be entered in the Journal.

Thank you, Mr. Speaker. This is again one of the most wonderful things that we can do as legislators—pay tribute to the type of people like Michael Meyer who with his dedication and behind-the-scene efforts is truly making a difference in helping to save our future.

Under Michael's leadership as executive director for 20 years of Clark County's Boys' and Girls' Clubs in which he has been instrumental, not only in having the Boys' and Girls' Clubs in some of the areas that we would normally think that they would be, but he has also been able to make good property purchases with funds they have. The five clubs are located at Carey Avenue in North Las Vegas, Lindell in Las Vegas, 28th and Stewart in Las Vegas, "N" Street and the newest club opened on June 21 behind the Boulevard Mall.

The basketball program has been introduced in the Boys' and Girls' Clubs and is very, very successful. There are wonderful, wonderful sports programs. Beyond that, Michael has been able to have self esteem programs, drug awareness programs and gang prevention programs introduced as well. It is this kind of a leader that we need to pay recognition to. I am proud to be able to do so today. Thank you.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 789—An Act relating to public attorneys; clarifying that an attorney appointed for a limited duration with limited jurisdiction is an employee of the state or a political subdivision of the state for the purposes of a legal action concerning his appointed duties; authorizing such an appointed attorney to engage in the private practice of law under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Sader moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 314.

The following Senate amendment was read:

Amendment No. 1148.

Amend sec. 5, page 5, by deleting line 18 and inserting:

"(c) The University and Community College System of Nevada.".

Amend the bill as a whole by renumbering sections 6 and 7 as sections 7 and 8 and adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. Section 7 of Senate Bill No. 313 of this session is hereby amended to read as follows:

Sec. 7. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The governor.

(b) The department of prisons.

(c) The University and Community College System of Nevada.

(d) The department of the military.

(e) The state gaming control board.

(f) The Nevada gaming commission.

(g) The state board of parole commissioners.

(h) The welfare division of the department of human resources.

(i) The state board of examiners acting pursuant to chapter 217 of NRS.

(j) Except as otherwise provided in NRS 533.365, the office of the state engineer.

2. [The] *Except as otherwise provided in section 3 of this act, the* department of education, the committee on benefits and the commission on professional standards in education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The Nevada state board of accountancy is not subject to the provisions of this chapter for the purpose of adopting rules of professional conduct for accountants and auditors.

4. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the employment security department;

(b) Chapters 616 and 617 of NRS for the determination of contested claims;

(c) Chapter 703 of NRS for the judicial review of decisions of the public service commission of Nevada;

(d) Chapter 91 of NRS for the judicial review of decisions of the administrator of the securities division of the office of the secretary of state; and

(e) NRS 90.800 for the use of summary orders in contested cases,

prevail over the general provisions of this chapter.

5. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the department of human resources in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

6. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including but not limited to quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the state board of agriculture, the state board of health, the state board of sheep commissioners or any other agency of this state in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control; or

(b) An extraordinary regulation of the state board of pharmacy adopted pursuant to NRS 453.2184.".

Amend sec. 7, page 6, by deleting line 18 and inserting:

"Sec. 8. 1. This section and sections 1 to 4, inclusive, 6 and 7 of this act become effective on July 1, 1993.

2. Section 5 of this act becomes effective at 12:01 a.m. on July 1, 1993.".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 314.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 91, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spitler moved that Assembly Bill No. 311 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Spitler.

Motion carried.

Assemblyman Evans moved that Senate Concurrent Resolution No. 47 be taken from the Chief Clerk's desk.

Motion carried.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblyman Evans.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 20.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 321.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1227.

Amend section 1, page 1, by deleting line 2 and inserting:

"7.125 1. Except as limited by subsections 2, 3 and 4, an attorney".

Amend section 1, page 1, by deleting line 8 and inserting: "made, [$60] *$75* per hour. *Except for cases in which the most serious crime is a felony punishable by death or by imprisonment for life with or without possibility of parole, this subsection does not preclude a governmental entity from contracting with a private attorney who agrees to provide such services for a lesser rate of compensation.*".

Amend section 1, page 2, by deleting lines 10 through 13.

Amend section 1, page 2, line 14, by deleting "2." and inserting "5.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 404.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1183.

Amend section 1, page 1, by deleting lines 7 and 8 and inserting: "directed by resolutions of only one house of the legislature [.] *or studies or investigations proposed but not approved during the preceding legislative session.*".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. This act becomes effective upon passage and approval.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 480.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1129.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 649.054 is hereby amended to read as follows:

649.054 The commissioner may adopt regulations authorizing collection agencies licensed in this state to collect from a location outside of this state [,] debts due or asserted to be due another person in this state. *The commissioner may, by regulation, establish standards for the establishment and maintenance of trust accounts to be used by collection agencies collecting debts pursuant to this section.*".

Amend section 1, page 1, line 3, by deleting "*3,*" and inserting "*2,*".

Amend section 1, page 1, by deleting lines 11 and 12.

Amend section 1, page 1, line 13, by deleting "*3.*" and inserting "*2.*".

Amend the bill as a whole by renumbering sec. 2 as sec. 5 and adding new sections designated sections 3 and 4, following section 1, to read as follows:

"Sec. 3. NRS 649.355 is hereby amended to read as follows:

649.355 1. Every collection agency and collection agent shall openly, fairly and honestly conduct the collection agency business and shall at all times conform to the accepted business ethics and practices of the collection agency business.

2. Every licensee shall at all times maintain a separate bank account in which must be deposited all money collected. [The] *Except as otherwise*

provided in regulations adopted by the commissioner pursuant to NRS 649.054, the account must be maintained in a bank located in this state and bear some title sufficient to distinguish it from the licensee's personal or general checking account and to designate it as a trust account, such as "customer's trust fund account." The trust account must at all times contain sufficient money to pay all money due or owing to all customers, and no disbursement may be made from the account except to customers or to pay costs advanced for those customers, except that a licensee may periodically withdraw from the account such money as may accrue to the licensee from collections deposited or from adjustments resulting from costs advanced and payments made directly to customers.

3. Every licensee maintaining a separate custodial or trust account shall keep a record of all money deposited in the account, which must indicate clearly the date and from whom the money was received, the date deposited, the dates of withdrawals and other pertinent information concerning the transaction, and must show clearly for whose account the money is deposited and to whom the money belongs. The money must be remitted to the creditors respectively entitled thereto within 30 days following the end of the month in which payment is received. The records and money are subject to inspection by the commissioner or his authorized representative. The records must be maintained at the premises in this state at which the licensee is authorized to conduct business.

4. If the commissioner finds that a licensee's records are not maintained pursuant to subsections 2 and 3, he may require the licensee to deliver an audited financial statement prepared from his records by a certified public accountant who holds a certificate to engage in the practice of public accounting in this state. The statement must be submitted within 60 days after the commissioner requests it. The commissioner may grant a reasonable extension for the submission of the financial statement if an extension is requested before the statement is due.

Sec. 4. NRS 649.375 is hereby amended to read as follows:

649.375 A collection agency, or its manager, agents or employees, shall not:

1. Use any device, subterfuge, pretense or deceptive means or representations to collect any debt, nor use any collection letter, demand or notice which simulates a legal process or purports to be from any local, city, county, state or government authority or attorney.

2. Collect or attempt to collect any interest, charge, fee or expense incidental to the principal obligation unless [any] *:*

(a) Any such interest *, charge, fee or expense* as authorized by law *or as agreed to by the parties* has been added to the principal of the debt by the *creditor before receipt of the item of collection;*

(b) Any such interest, charge, fee or expense as authorized by law or as agreed to by the parties has been added to the principal of the debt by the collection agency [immediately upon receipt of the item of collection] and

described as [that] *such* in the first *written* communication [had] with the debtor [for satisfaction of the total obligation then owed and outstanding, or unless the] *; or*

(c) The interest, charge, fee or expense [have thereafter] *has* been judicially determined as proper and legally due from and chargeable against the debtor.

3. Assign or transfer any claim or account upon termination or abandonment of its collection business unless prior written consent by the customer is given for the assignment or transfer. The written consent must contain an agreement with the customer as to all terms and conditions of the assignment or transfer, including the name and address of the intended assignee. Prior written consent of the commissioner must also be obtained for any bulk assignment or transfer of claims or accounts, and any assignment or transfer may be regulated and made subject to such limitations or conditions as the commissioner by regulation may reasonably prescribe.

4. Operate its business or solicit claims for collection from any location, address or post office box other than that listed on its license or as may be prescribed by the commissioner.

5. Harass a debtor's employer in collecting or attempting to collect a claim, nor engage in any conduct that constitutes harassment as defined by regulations adopted by the commissioner.

6. Advertise for sale or threaten to advertise for sale any claim as a means to enforce payment of the claim, unless acting under court order.

7. Publish or post, or cause to be published or posted, any list of debtors except for the benefit of its stockholders or membership in relation to its internal affairs.

8. Conduct or operate, in conjunction with its collection agency business, a debt counseling or prorater service for a debtor who has incurred a debt primarily for personal, family or household purposes whereby the debtor assigns or turns over to the counselor or prorater any of his earnings or other money for apportionment and payment of his debts or obligations. This section does not prohibit the conjunctive operation of a business of commercial debt adjustment with a collection agency if the business deals exclusively with the collection of commercial debt.''.

Amend the bill as a whole by deleting sec. 3 and the text of the repealed section and adding new sections designated sections 6 and 7, and the text of the repealed section, following sec. 2, to read as follows:

''Sec. 6. NRS 649.395 is hereby amended to read as follows:

649.395 1. The commissioner may *impose an administrative fine, not to exceed $500 for each violation, or* suspend or revoke the license of a collection agency, *or both impose a fine and suspend or revoke the license,* by an order made in writing and filed in his office and served on the licensee by registered or certified mail at the address shown in the records of the commissioner, if:

(a) The licensee is adjudged liable in any court of law for breach of any bond given under the provisions of this chapter; or

(b) After notice and hearing, the licensee is found guilty of:

(1) Fraud or misrepresentation;

(2) An act or omission inconsistent with the faithful discharge of his duties and obligations; or

(3) A violation of any provision of this chapter.

2. The commissioner may suspend or revoke the license of a collection agency without notice and hearing if:

(a) The suspension or revocation is necessary for the immediate protection of the public; and

(b) The licensee is afforded a hearing to contest the suspension or revocation within 20 days after the written order of suspension or revocation is served upon the licensee.

3. Upon revocation of his license, all rights of the licensee under this chapter terminate, and no application may be received from any person whose license has once been revoked.

Sec. 7. NRS 649.410 is hereby repealed.

TEXT OF REPEALED SECTION

649.410 Administrative fine.

1. Subject to the provisions of subsections 2 and 3, the commissioner may impose an administrative fine, not to exceed $500 for each violation, if a collection agency intentionally or repeatedly commits a violation of any provision of this chapter or a regulation adopted pursuant thereto.

2. The commissioner shall give written notice to a collection agency that a violation of the provisions of this chapter or the regulations adopted pursuant thereto has occurred and afford the collection agency a reasonable time to correct its actions before imposing a fine.

3. Only a single fine may be imposed for the violation of any particular statute or regulation, regardless of the number of violations of that statute or regulation that occurred before the notice required by subsection 2.".

Amend the title of the bill to read as follows:

"An Act relating to collection agencies; authorizing the commissioner of financial institutions to establish separate standards for trust accounts used for collecting debts outside this state; allowing collection agencies located outside this state to conduct certain activities within this state without a license; revising the restriction on the collection of any incidental interest, charge, fee or expense; requiring the commissioner of financial institutions to investigate certain complaints; revising the provisions governing administrative fines for violations; and providing other matters properly relating thereto.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 536.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1193.

Amend section 1, page 1, by deleting lines 2 through 4 and inserting: "legislative counsel bureau the sum of $75,414 for the cost of reproducing:

1. Volumes of Nevada Reports which are out of print or of limited supply;

2. Volumes of the Statutes of Nevada which are out of print or of limited supply; and

3. The Nevada Constitutional Debates & Proceedings 1864.".

Amend sec. 3, page 1, line 9, by deleting: "upon passage and approval." and inserting: "on June 30, 1993.".

Amend the title of the bill, second line, by deleting "Reports;" and inserting: "Reports, Statutes of Nevada and Nevada Constitutional Debates & Proceedings 1864;".

Amend the summary of the bill to read as follows:

"Summary—Makes appropriation to legislative counsel bureau for reproduction of certain publications. (BDR S-1754)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 552.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1131.

Amend the bill as a whole by renumbering section 1 as sec. 5 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. NRS 293.560 is hereby amended to read as follows:

293.560 1. In any county which uses a computer to register voters and keep records of the registration of the county's voters, registration must close at 9 p.m. of the third Saturday preceding any primary, general, recall or special election. In every other county, registration must close at 9 p.m. of the fifth Saturday preceding any primary or general election and at 9 p.m. of the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary or general election, or primary or general city election, registration must close at 9 p.m. of the fifth Saturday preceding the day of the elections.

2. The offices of the county clerk and ex officio registrars must be open from 9 a.m. to 5 p.m. and from 7 p.m. to 9 p.m., including Saturdays, during the last days before the close of registration, according to the following schedule:

(a) In a county whose population is less than 100,000, those offices must be open during the last 3 days before registration closes.

(b) In all other counties, those offices must be open during the last 5 days before registration closes.

3. Except for a special election held pursuant to chapter *306 or* 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him to be published in a newspaper having a general circulation in the county indicating the day that registration will be closed. If no such newspaper is published in the county, then the publication may be made in a newspaper of general circulation published in the nearest county in this state.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

Sec. 2. Chapter 306 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. *1. The secretary of state shall prepare an informational pamphlet describing the requirements for filing and circulating a petition to recall a public officer pursuant to this chapter. The pamphlet must include:*

(a) A copy of section 9 of article 2 of the constitution of the State of Nevada;

(b) A copy of chapter 306 of NRS and any regulations adopted pursuant to that chapter;

(c) A copy of all other relevant provisions of NRS;

(d) A sample petition to demonstrate an acceptable format for such a petition; and

(e) Such other information as the secretary of state deems necessary.

2. A copy of the pamphlet must be distributed to any person who requests such information upon payment of any applicable fee. The secretary of state may charge a fee for the pamphlet which must not exceed the cost of preparing and printing the pamphlet.

Sec. 4. *The secretary of state shall adopt such regulations as are necessary to carry out the provisions of this chapter.*".

Amend section 1, page 2, between lines 8 and 9, by inserting:

"*6. A person who signs a notice of intent pursuant to subsection 1 is immune from civil liability for conduct related to the exercise of his right to participate in the recall of a public officer.*".

Amend the bill as a whole by renumbering sec. 2 as sec. 7 and adding a new section designated sec. 6, following section 1, to read as follows:

"Sec. 6. NRS 306.030 is hereby amended to read as follows:

306.030 1. The petition may consist of any number of copies which are identical in form with the original, except for the name of the county and the signatures and addresses of the residences of the signers. The pages of the petition with the signatures and of any copy must be consecutively numbered. Each page must bear the name of a county and only registered voters of that county may sign the page.

2. Every copy must be verified by at least one of the signers thereof, who shall swear or affirm, before a person authorized by law to administer oaths, that the statements and signatures contained in the petition are true [.] *to the best of his knowledge and belief.* The verification must also contain a statement of the number of signatures being verified by the signer.".

Amend sec. 2, page 2, by deleting lines 10 through 45 and inserting:

"306.040 1. Upon [the filing of the petition, the officer with whom the petition is filed shall cause publication of a notice of a hearing on the petition

by the district court in and for the appropriate county at a time and place fixed by the district court, which shall give priority to the petition over all but criminal matters and shall set the hearing for a date no later than 30 days after the filing of the petition.

2. If the officer against whom the petition is filed is a:

(a) State officer who is elected statewide, the hearing on the petition must be held by the first judicial district court.

(b) District officer whose district includes area in more than one county, the hearing on the petition must be held in the district court for the county in which the largest population of the district is located.

The notice must be published once in a newspaper of general circulation in the appropriate county or, if the officer is a state officer who is elected statewide, in each county of the state. The notice must contain the names of the signers of the petition and the reasons for the proposed recall. Any person whose name appears on the petition as a signer may appear at the hearing and request that his name be stricken from the petition, and the court shall strike his name if good cause appears therefor.

3. At the conclusion of the hearing, the court shall make a determination of the sufficiency and validity of the petition within 5 days, and shall instruct the officer with whom the petition is filed either to cease any further proceedings in the matter or, if the officer against whom the petition was filed has not resigned, to issue a call, not sooner than 10 days nor more than 20 days after the date of the order, for a special election to be held in the state, or in the county, district or municipality electing the officer against whom the petition was filed, to determine whether the people will recall him.] *determining that the number of signatures on a petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279, inclusive, the secretary of state shall notify the county clerk, the officer with whom the petition is to be filed pursuant to subsection 4 of NRS 306.015 and the public officer who is the subject of the petition.*

2. Any person who signs a petition to recall may request the secretary of state to strike his name from the petition after the verification of signatures is complete. If the person demonstrates good cause therefor, the secretary of state shall strike his name from the petition.

3. Not sooner than 10 days nor more than 20 days after the secretary of state completes the notification required by subsection 1, the officer with whom the petition is filed shall issue a call for a special election in the jurisdiction in which the public officer was elected to determine whether the people will recall him. The call must include, without limitation:

(a) The last day on which a person may register to vote to qualify to vote in the special election; and

(b) The last day on which a petition to nominate other candidates for the office may be filed.

4. The legal sufficiency of the petition may be challenged by filing a complaint in district court not later than 5 days, Saturdays and Sundays excluded, after the secretary of state completes the notification required by subsection 1. All affidavits and documents in support of the challenge must

be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

5. Upon the conclusion of the hearing, if the court determines that the petition is sufficient, it shall order the officer with whom the petition is filed to issue a call for a special election to determine whether the people will recall the public officer who is the subject of the petition. If the court determines that the petition is not sufficient, it shall order the officer with whom the petition is filed to cease any further proceedings regarding the petition.".

Amend the bill as a whole by adding a new section designated sec. 8, following sec. 2, to read as follows:

"Sec. 8. NRS 306.110 is hereby amended to read as follows:

306.110 1. A petition to nominate other candidates for the office must be signed by registered voters of the state, or of the county, district or municipality holding the election, equal in number to 25 percent of the number of registered voters who voted in the state, or in the county, district or municipality holding the election at the [last preceding] general election [.] *at which the public officer was elected.*

2. The nominating petition must be filed, at least 15 days before the date of the special election, with the officer with whom the recall petition is filed.

3. Each candidate who is nominated for office must file an acceptance of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 at least 15 days before the date of the special election.".

Amend the title of the bill to read as follows:

"An Act relating to elections; exempting the county clerk from the requirement of publishing notice of a special election for the recall of a public officer; requiring the secretary of state to prepare an informational pamphlet related to petitions to recall; revising the provisions related to submitting a petition to recall; providing immunity from civil liability to a person who signs a notice of intent to file a petition to recall; providing the procedures for issuing a call for a special election to determine whether to recall a public officer; allowing a person to challenge the legal sufficiency of a petition to recall; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 640.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 989.

Amend section 1, page 1, line 5, by deleting "subsection 2." and inserting: "[subsection 2.] *subsections 2 and 3.*".

Amend section 1, page 1, by deleting lines 6 through 12 and inserting:

"2. [If] *When* the Nature Conservancy transfers [such] property *it has held for purposes of conservation* to any person, partnership, association, corporation or entity other than the state or [another] *a local* governmental unit, [the tax imposed by this chapter shall] *the property must* be assessed [against such property] *at the rate set for first-class pasture by the Nevada tax commission* for each year it was exempt pursuant to subsection 1 and [shall] *the taxes must* be collected as other taxes under this chapter are collected.

3. When the Nature Conservancy transfers property it has held for purposes other than conservation to any person, partnership, association, corporation or entity other than the state or a local governmental unit, the tax imposed by this chapter must be assessed against the property for each year it was exempt pursuant to subsection 1 and collected in the manner provided in this chapter.

4. The Nevada tax commission shall adopt regulations specifying the criteria for determining when property has been held by the Nature Conservancy "for purposes of conservation."".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 693.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 764.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1243.

Amend sec. 4, page 2, between lines 32 and 33, by inserting:

"*(8) A reporting agency.*

6. "Reporting agency" means a person who, for fees, dues or on a cooperative nonprofit basis, regularly engages in whole or in part in the business of assembling or evaluating information regarding the credit of or other information regarding consumers to furnish consumer reports to third parties, regardless of the means or facility of commerce used to prepare or furnish the consumer reports. The term does not include:

(a) A person solely for the reason that he conveys a decision regarding whether to guarantee a check in response to a request by a third party;

(b) A person who obtains or creates a consumer report and provides the report or information contained in it to a subsidiary or affiliate; or

(c) A person licensed pursuant to chapter 463 of NRS.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 772.

Bill read second time.

The following amendment was proposed by the Committee on Labor and Management:

Amendment No. 1256.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend sec. 2, page 2, by deleting lines 27 through 32 and inserting:

"5. The sale or installation of any finished product, material or article of merchandise [which is not actually fabricated into and does not become a permanent fixed part of the structure.

6. Any] , *unless:*

(a) The product, material or article is purchased from the manufacturer or his representative, and installation is not included in the purchase price, sales contract or warranty; or

(b) The installation requires a local governmental building permit or inspection and the product, material or article is:

(1) Specially designed, manufactured or adapted to fit and function within a specific structure;

(2) Essential for the function of the structure and its absence would render the structure unusable for any other functional purpose; or

(3) So large as to make removal from a structure impractical without substantial damage to the structure.

6. Except as otherwise provided for installations pursuant to subsection 5, any construction, alteration, improvement or repair of personal property.".

Amend the bill as a whole by adding new sections designated sections 2 and 3, following sec. 2, to read as follows:

"Sec. 2. NRS 616.380 is hereby amended to read as follows:

616.380 1. In addition to the authority given the manager to determine and fix premium rates of employers as provided in NRS 616.395 to 616.405, inclusive, the manager:

(a) Shall apply that form of rating system which, in his judgment, is best calculated to rate each individual risk more equitably, predicated upon the basis of the employer's individual experience;

(b) Shall adopt equitable regulations controlling the rating of each risk, which must conserve to each risk the basic principles of industrial insurance; and

(c) May subscribe to a rating service of any rating organization for casualty, fidelity and surety insurance rating.

2. The rating system or any rating by a rating organization pursuant to this section is subject to the limitation that the amount of any increase or reduction of premium rate, additional charge of premiums or payment of dividends must be in the discretion of the manager.

3. The rating system provided by this section is subject to the following further limitations:

(a) All studies conducted by the manager to determine the adequacy of rate levels and the equity of rates among classifications must be conducted in the presence of an actuary designated by the commissioner.

(b) The manager shall file revised premium rates, revised classifications of employment and changes of the multiplier applied generally to classes of risk with the commissioner and give written public notice to the employers affected by the changes at least:

(1) Sixty days before the effective date of a projected change in premiums or projected change of multiplier; and

(2) Thirty days before the effective date of a change decided upon.

The commissioner shall review the revised rates and classifications and advise the manager of the changes which are not consistent with NRS 686B.050 and 686B.060.

(c) An employer affected by a change in a revised premium rate or a revised classification of employment may request the commissioner to hold a hearing before the effective date of the change. At the hearing, the commissioner shall consider the objections raised by any party appearing at the hearing. An employer may not appeal a decision of the commissioner concerning a revised premium rate or a revised classification of employment to the manager.

(d) Premium rates must not be fixed at a level higher than that required to:

(1) Pay the obligations created by this chapter and associated administrative expenses.

(2) Provide for a reasonable reserve for claims.

(3) Provide for contingencies such as a catastrophe, economic change, change in judicial interpretations of the law, legislative amendments of the law, deficiencies in the reserve and other events which cannot be predicted accurately and could endanger the solvency of the fund.

The commissioner may order the manager to make any adjustments necessary to meet the requirements of this paragraph.

4. In determining and fixing premium rates, the manager [may] *shall* establish a varying schedule of rates for workers who are in the classification of employment designated as construction [which reflects the varying hourly rates of wages paid] *based on the total number of hours worked by workers who are in that classification, and not based on the total amount of wages paid by an employer* to such workers.

5. In determining and fixing the premium rates applicable to an employer who begins business in this state but has conducted business in another state for 3 years or longer, the manager shall take into account the employer's experience in the other state in the same manner as the manager takes into account an employer's experience in this state.

6. Subsections 2 and 3 do not apply to a rating plan made by voluntary agreement between the manager and an employer which increases or reduces premiums for the employer. The voluntary rating plan may be retrospective in nature. A voluntary rating plan must be in writing and signed by the manager and the employer.

7. The manager shall adopt by regulation a plan for reviewing employers insured by the system who have excessive losses, as defined by the plan, in order to encourage those employers to pay for their losses and correct their loss experience. The plan may include requirements for:

(a) The payment of surcharges by such an employer;

(b) Mandatory retrospective rating plans;

(c) An increase in the amount of the deductible required to be paid by such an employer pursuant to subsection 1 of section 73 of this act;

(d) Changes in the limitations placed on the experience modification plan for such an employer; or

(e) Any combination of paragraphs (a), (b), (c) and (d).

The plan must include procedures for the termination of an employer's participation in the plan when the employer has corrected his excessive loss experience. The commissioner shall review the plan adopted pursuant to this subsection.

Sec. 3. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 1993.".

Amend the title of the bill to read as follows:

"An Act relating to contractors; revising the exemptions from licensure for persons who install certain equipment or fixtures; revising the manner in which premiums for industrial insurance are determined for employment designated as construction; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to contractors. (BDR 54-2098)".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 783.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 784.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1233.

Amend section 1, page 1, line 5, by deleting "*anywhere else*" and inserting: "*in a motor vehicle*".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 787.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 788.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 6.

Resolution read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1132.

Amend the resolution, page 1, lines 8 and 9, by deleting: "[who actually voted] *of voters who are registered*" and inserting: "who actually voted".

Amend the resolution, page 1, lines 10 and 11 by deleting: "*on January 1 of the year in which the recall petition is filed,*" and inserting: "*at the election in which he was elected,*".

Amend the resolution, page 1, line 18, by deleting: "twenty days (20)" and inserting: "[twenty days (20)] *thirty days (30)*".

Amend the title of the bill to read as follows:

"ASSEMBLY JOINT RESOLUTION—Proposing to amend the constitution of the State of Nevada to revise the standard for determining the number of signatures of voters required for a petition seeking to recall a public officer and to increase the number of days within which a special election upon such a petition must be held after the issuance of a call.".

Amend the summary of the bill to read as follows:

"Summary—Proposes to amend Nevada constitution to revise requirements for recall of public officer. (BDR C-345)".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 6.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1207.

Amend section 1, page 1, by deleting lines 10 and 11 and inserting:

"*(a) Fifteen working days after the inquiry held pursuant to NRS 213.1511 is conducted.*".

Amend sec. 3, page 2, line 20, by deleting "*10*" and inserting "*15*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 52.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1160.

Amend section 1, page 1, line 2, by deleting "*otherwise*" and inserting "otherwise".

Amend section 1, page 2, line 8, by deleting "system , [and]" and inserting: "system, the state industrial insurance system , [and]".

Amend sec. 2, page 2, line 18, after "system" by inserting: ", the state industrial insurance system".

Amend sec. 2, page 2, line 22, by deleting "system ," and inserting: "system, [the] state industrial insurance system ,".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 107.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1199.

Amend sec. 3, page 1, line 9, by deleting "July 1," and inserting "June 30,".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 237.

Bill read second time and ordered to third reading.

Senate Bill No. 265.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1142.

Amend the bill as a whole by renumbering sections 1 through 7 as sections 16 through 22 and adding new sections designated sections 1 through 15, following the enacting clause, to read as follows:

"Section 1. NRS 387.1221 is hereby amended to read as follows:

387.1221 1. The basic support guarantee for any special education program unit maintained and operated during a period of less than 9 school months is in the same proportion to the amount established by law for that school year as the period during which [such] *the* program unit actually was maintained and operated is to 9 school months.

2. Any unused allocations for special education program units may be reallocated to other school districts by the superintendent of public instruction. In such *a* reallocation, first priority must be given to special education programs with statewide implications, and second priority must be given to special education programs maintained and operated by school districts whose allocation is less than or equal to the amount provided by law. If there are more unused allocations than necessary to cover programs of first and second priority but not enough to cover all remaining special education programs eligible for payment from reallocations, then payment for [such] *the* remaining programs must be prorated. If there are more unused allocations than necessary to cover programs of first priority but not enough to cover all programs of second priority, then payment for programs of second

priority must be prorated. If unused allocations are not enough to cover all programs of first priority, then payment for programs of first priority must be prorated.

3. A school district may, after receiving the approval of the superintendent of public instruction, contract with any person, state agency or legal entity to provide a special education program unit for [handicapped] pupils of the district [.] *pursuant to NRS 388.440 to 388.520, inclusive.*

Sec. 2. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all those who are enrolled in programs of instruction of the school district for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) [Handicapped minors] *Pupils not included under paragraph (a) or (b) who are* receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(e) Part-time pupils enrolled in classes and taking courses necessary to receive a high school diploma.

2. The state board of education shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the state board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

3. Except as otherwise provided in NRS 388.700, the state board of education shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of the state which is consistent with:

(a) The maintenance of an acceptable standard of instruction;

(b) The conditions prevailing in [such] *the* school district with respect to the number and distribution of pupils in each grade; and

(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.

If the superintendent of public instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless he finds that the board of trustees of the school district has made every reasonable effort in good faith to comply with the applicable standard, he shall, with the approval of the state board, reduce the count of pupils for apportionment purposes by the percentage which the

number of pupils attending [such] *those* classes is of the total number of pupils in the district, and the state board may direct him to withhold the quarterly apportionment entirely.

Sec. 3. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school year.

(3) The count of [handicapped minors] *pupils not included under subparagraph (1) or (2) who are* receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school year, excluding the count of [handicapped minors] *pupils* who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

(4) Six-tenths the count of [handicapped minors] *pupils* who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school year.

(5) The count of children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school year.

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. If the sum of the counts prescribed in paragraph (a) of subsection 1 is less than the sum similarly obtained for the immediately preceding school year, the larger sum must be used in computing basic support.

3. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

4. Pupils who are incarcerated in a facility or institution operated by the department of prisons must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department of education.

5. Part-time pupils who are enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department.

Sec. 4. NRS 387.303 is hereby amended to read as follows:

387.303 1. Not later than November 15 of each year, [each] *the* board of trustees of [a] *each* school district shall submit to the superintendent of public instruction a report which includes the following information:

(a) For each fund within the school district, including , without limitation , the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The count of pupils [, handicapped minors and other children in the current and preceding school year] computed pursuant to paragraph (a) of subsection 1 of NRS 387.1233.

(c) The average daily attendance for the preceding school year and the estimated average daily attendance for the current school year of part-time pupils enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma.

(d) The school district's actual expenditures in the fiscal year immediately preceding the report.

(e) The school district's proposed expenditures for the current fiscal year.

(f) The salary schedule for licensed employees in the current school year and a statement of whether salary negotiations for the current school year have been completed. If salary negotiations have not been completed at the time the salary schedule is submitted, the board of trustees shall submit a supplemental report to the superintendent upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the salary schedule agreed to or required by the arbitrator.

2. On or before November 25 of each year, the superintendent of public instruction shall submit to the department of administration and the fiscal analysis division of the legislative counsel bureau, in a format approved by the director of the department of administration, a compilation of the reports made by each school district pursuant to subsection 1.

Sec. 5. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.520, inclusive [, "handicapped minor" means any] *:*

1. "Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

2. "Pupil with a disability" means a person under the age of [18] *22* years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns [, or demonstrates such outstanding academic skills or talents,] that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

Sec. 6. NRS 388.450 is hereby amended to read as follows:

388.450 1. The legislature declares that the basic support guarantee for each special education program unit established by law for each school year establishes financial resources sufficient to ensure a reasonably equal educational opportunity to handicapped minors residing in Nevada.

2. Subject to the provisions of NRS 388.440 to 388.520, inclusive, the board of trustees of [a] *each* school district shall make such special provisions as may be necessary for the education of [handicapped minors.] *pupils with disabilities and gifted and talented pupils.*

3. The board of trustees of a school district shall establish uniform criteria governing eligibility for instruction under the special education programs provided for by NRS 388.440 to 388.520, inclusive. The criteria are subject to such standards as may be prescribed by the state board of education.

Sec. 7. NRS 388.460 is hereby amended to read as follows:

388.460 [No minor shall] *A pupil must not* be required to take advantage of the special provisions for the education of [handicapped minors] *pupils with disabilities or gifted and talented pupils* if the parent or guardian of the [minor] *pupil* files a statement with the board of trustees of the school district showing that the [minor] *pupil* is receiving adequate educational advantages.

Sec. 8. NRS 388.470 is hereby amended to read as follows:

388.470 1. Before any child is placed in a special program for [handicapped children:] *pupils with disabilities or gifted and talented pupils:*

(a) A consultation must be held with his parents or guardian.

(b) An examination must be conducted for the purpose of finding the extent to which the child deviates from normal growth and development patterns. The examination must be conducted in accordance with standards prescribed by the state board of education.

2. A psychiatrist may be consulted in any specific case when the board of trustees of a school district deems it necessary.

Sec. 9. NRS 388.490 is hereby amended to read as follows:

388.490 1. Except as otherwise provided [in subsection 2 and] in NRS 388.460, eligible [handicapped minors] *pupils with disabilities* must be admitted at the age of 3 years to special programs established for such [minors,] *pupils,* and their enrollment or attendance may be counted for the purpose of apportionment.

2. Gifted and talented [minors] *pupils* may be admitted at the age of 4 years to special programs established for such [minors,] *pupils,* and their enrollment or attendance may be counted for apportionment purposes.

Sec. 10. NRS 388.500 is hereby amended to read as follows:

388.500 1. [Handicapped minors] *Pupils with disabilities or gifted and talented pupils, or both,* may be instructed in special ungraded schools or within special programs established for the instruction of [handicapped minors.] *such pupils.*

2. Boards of trustees of school districts may:

(a) Purchase sites and erect buildings for [such] *those* purposes in the same manner as other school sites or school buildings may be purchased and erected.

(b) Rent suitable property at an economical rental for special or ungraded rooms.

(c) Accept gifts or donations of sites and buildings for [such] *those* purposes.

Sec. 11. NRS 388.520 is hereby amended to read as follows:

388.520 1. The state board of education shall prescribe minimum standards for the special education of [handicapped minors.] *pupils with disabilities and gifted and talented pupils.*

2. Prescribed minimum standards must include standards for programs of instruction or special services maintained for the purpose of serving [minors who:

(a) Are aurally handicapped.

(b) Are visually handicapped.

(c) Are physically handicapped.

(d) Have speech handicaps.

(e) Are mentally handicapped.

(f) Have multiple handicaps.

(g) Are seriously emotionally handicapped.

(h) Are gifted and talented.

(i) Have learning disabilities.] *pupils with:*

(a) Hearing impairments, including, but not limited to, deafness.

(b) Visual impairments, including, but not limited to, blindness.

(c) Orthopedic impairments.

(d) Speech and language impairments.

(e) Mental retardation.

(f) Multiple impairments.

(g) Serious emotional disturbances.

(h) Other health impairments.

(i) Specific learning disabilities.

(j) Autism.

(k) Traumatic brain injuries.

(l) Developmental delays.

(m) Gifted and talented abilities.

3. No apportionment of state [funds] *money* may be made to any school district for the instruction of [handicapped minors] *pupils with disabilities and gifted and talented pupils* until the program of instruction maintained therein for such [handicapped minors] *pupils* is approved by the superintendent of public instruction as meeting the prescribed minimum standards.

Sec. 12. NRS 392.300 is hereby amended to read as follows:

392.300 1. As provided in this Title, the board of trustees of any school district may furnish transportation for all resident children of school age in the school district attending a public school, including pupils assigned to special schools or programs [for handicapped minors:] *pursuant to NRS 388.440 to 388.520, inclusive:*

(a) Who are not excused from school attendance by the provisions of this Title; and

(b) Who reside within the school district at such a distance from the school as to make transportation necessary and desirable.

2. When the board of trustees of a school district whose population is less than 100,000 furnishes transportation for pupils attending public schools pursuant to subsection 1, the board may also provide transportation for all resident children of school age in the school district attending private schools not operated for profit, over bus routes established for pupils attending public schools. If such transportation is provided, the pupils attending such private schools must be transported, if space is available, to and from the points on the established routes nearest to the schools which they attend.

3. The board of trustees of any school district may:

(a) Establish bus routes.

(b) Make regulations governing the conduct of pupils while being transported.

(c) For the safety of pupils being transported, govern the conduct of drivers by making and enforcing regulations not inconsistent with regulations of the state board of education or with law.

Sec. 13. NRS 392.466 is hereby amended to read as follows:

392.466 1. Except as otherwise provided in this section, any pupil who commits a battery which results in the bodily injury of an employee of the school or sells or distributes any controlled substance, while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from that school, although he may be placed in another kind of school, for at least a period equal to one semester for that school. For a second occurrence, he must be permanently expelled from that school, but he may be required to attend another kind of school.

2. Except as otherwise provided in this section, any pupil who is found in possession of a dangerous weapon while on the premises of any public school, at an activity sponsored by a public school or on any school bus must, for the first occurrence, be suspended or expelled from the school, although he may be placed in another kind of school for a period not to exceed the equivalent of one semester for that school. For a second occurrence, he must be permanently expelled from the school, but he may be required to attend another kind of school.

3. Subsection 2 does not prohibit a pupil from having in his possession a knife or firearm with the approval of the principal of the school. A principal may grant such approval only in accordance with the policies or regulations adopted by the board of trustees of the school district.

4. Any pupil in grades 1 to 6, inclusive, may be suspended from school or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and approved this action in accordance with the procedural policy adopted by the board for such issues.

5. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days. Such a suspension may be imposed pursuant to this paragraph for each occurrence of conduct proscribed by subsections 1 and 2.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the [Education of the Handicapped Act] *Individuals with Disabilities Education Act* (20 U.S.C. §§ 1400 et seq.).

6. As used in this section:

(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(b) "Dangerous weapon" includes, without limitation, a blackjack, slung shot, billy, sand-club, sandbag, metal knuckles, explosive substance or device, dirk, dagger, pistol, revolver or other firearm, a nunchaku, switchblade knife or trefoil, as defined in NRS 202.350, a butterfly knife or any other knife described in NRS 202.350.

Sec. 14. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections 4 and 5, the board of trustees of a school district may authorize the suspension or expulsion of any pupil from any public school within the school district.

2. Except as otherwise provided in subsection 5, no pupil may be suspended or expelled until he has been given notice of the charges against him, an explanation of the evidence and an opportunity for a hearing, except that a pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or is found to be in possession of a dangerous weapon as provided in NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his removal, and pending proceedings, to be conducted as soon as practicable after removal, for his suspension or expulsion.

3. The provisions of chapter 241 of NRS do not apply to any hearing conducted [under] *pursuant to* this section. Such hearings must be closed to the public.

4. The board of trustees of a school district shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

5. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the [Education of the Handicapped Act] *Individuals with Disabilities Education Act* (20 U.S.C. §§ 1400 et seq.).

Sec. 15. NRS 395.004 is hereby amended to read as follows:

395.004 "Care" means room, board and transportation which the superintendent of public instruction determines to be necessary for a [handicapped] person *with a disability* while he is being educated pursuant to this chapter.".

Amend sec. 5, page 2, line 30, after "*disability*" by inserting "*who is*".

Amend the bill as a whole by renumbering sections 8 and 9 as sections 24 and 25 and adding a new section designated sec. 23, following sec. 7, to read as follows:

"Sec. 23. NRS 396.530 is hereby amended to read as follows:

396.530 The board of regents shall not discriminate in the admission of students on account of national origin, religion, age, physical [handicap,] *disability,* sex, race or color.".

Amend the bill as a whole by adding a new section designated sec. 26, following sec. 25, to read as follows:

"Sec. 26. In preparing the reprint of the Nevada Revised Statutes, the legislative counsel shall change any reference to "handicapped minor" that relates to or is contained in chapter 388 of NRS to "pupil with a disability" in any section which is not amended by this act or is further amended by another act.".

Amend the title of the bill to read as follows:

"An Act relating to the program for the education of handicapped persons; changing the statutory designation of pupils with disabilities; repealing the prospective expiration of certain amendments to the program; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Redesignates pupils with disabilities and makes various changes regarding program for education of handicapped persons. (BDR 34-1548)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 298.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1192.

Amend the bill as a whole by renumbering sec. 6 as sec. 7 and adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. NRS 31.045 is hereby amended to read as follows:

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, ... (name of person), alleges that you owe him money. He has begun the procedure to collect that money. To secure satisfaction of judgment the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received under the Social Security Act.
2. Payments for benefits or the return of contributions under the public employees' retirement system.
3. Payments for public assistance granted through the welfare division of the department of human resources.
4. Proceeds from a policy of life insurance.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as unemployment compensation.
7. Veteran's benefits.
8. A homestead in a dwelling or a mobile home, not to exceed $95,000, unless the judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.
9. A vehicle, if your equity in the vehicle is less than $1,500.
10. Seventy-five percent of the take home pay for any pay period, unless the weekly take home pay is less than 30 times the federal minimum wage, in which case the entire amount may be exempt.
11. Money, not to exceed $100,000 in present value, held for retirement pursuant to certain arrangements or plans meeting the requirements for qualified arrangements or plans of sections 401 et seq. of the Internal Revenue Code (26 U.S.C. §§ 401 et seq.).
12. *All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the state.*
13. *All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a*

former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

14. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

[13.] *15.* A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to the indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The hearing must be held within 10 days after the motion for a hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY".

Amend sec. 6, page 7, by deleting line 8 and inserting:

"Sec. 7. 1. This section and sections 2 to 6, inclusive, of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective on October 15, 1995.".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 399.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1251.

Amend sec. 2, page 1, by deleting line 6 and inserting: "*supervision of the pharmacist who is responsible for all of the work performed in the pharmacy.*".

Amend sec. 3, page 1, by deleting lines 9 through 16 and inserting:

"*2. The ratio of supportive personnel to pharmacists must not allow more than one supportive personnel to each pharmacist unless the board by regulation expands the ratio.*

3. The board shall adopt regulations concerning supportive personnel, including requirements for:

(a) The qualifications, registration and supervision of supportive personnel; and

(b) Services which may be performed by supportive personnel,

to ensure the protection and safety of the public in the provision of pharmaceutical care.

4. The regulations adopted by the board pursuant to this section which prescribe:

(a) The qualifications for supportive personnel must include:

(1) At least 1 year of education at a postsecondary school which is directly related to the duties performed by supportive personnel;

(2) The successful completion of a program for supportive personnel which is approved by the board;

(3) The completion of at least 1,500 hours of experience in carrying out the duties of supportive personnel; or

(4) Any other experience or education deemed equivalent by the board.

(b) An expanded ratio of supportive personnel to pharmacists must not allow more than two supportive personnel for each pharmacist in a particular category of pharmacy at any time.

(c) The services which may be performed by supportive personnel must include, without limitation, the:

(1) Removal of drugs from stock;

(2) Counting, pouring or mixing of drugs;

(3) Placing of drugs in containers;

(4) Affixing of labels to containers; and

(5) Packaging and repackaging of drugs.

5. For the purposes of this chapter, and chapters 453 and 454 of NRS, supportive personnel may perform acts required to be performed by pharmacists but only to the extent provided in regulations.".

Amend sec. 5, page 2, line 8, after "inclusive," by inserting: "[and] section 2 of [this act] *Senate Bill No. 246 of this session*".

Amend sec. 6, pages 2 and 3, by deleting lines 47 and 48 on page 2 and lines 1 and 2 on page 3.

Amend the bill as a whole by adding a new section designated sec. 8, following sec. 7, to read as follows:

"Sec. 8. Sections 5 and 6 of this act become effective at 12:01 a.m. on October 1, 1993.".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 421.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1208.

Amend sec. 4, page 1, line 16, by deleting "*education,*" and inserting: "*education for minors,*".

Amend sec. 4, page 1, line 19, by deleting "*education;*" and inserting: "*education for minors;*".

Amend sec. 4, page 1, line 21, after "*education*" by inserting "*for minors*".

Amend sec. 4, page 2, line 2, by deleting "*education,*" and inserting: "*education for minors,*".

Amend sec. 4, page 2, line 4, after "*education*" by inserting "*for minors*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

The following amendment was proposed by Assemblyman Price:

Amendment No. 1257.

Amend the bill as a whole by renumbering sec. 6 as sec. 7 and adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. NRS 202.2491 is hereby amended to read as follows:

202.2491 1. Except as otherwise provided in subsections 5 and 6, the smoking of tobacco in any form is prohibited [if done] in any:

(a) Public elevator.

(b) Public building.

(c) Public waiting room, lobby or hallway of any:

(1) Medical facility or facility for the dependent as defined in chapter 449 of NRS; or

(2) Office of any chiropractor, dentist, physical therapist, physician, podiatrist, psychologist, optician, optometrist, doctor of Oriental medicine or doctor of acupuncture.

(d) Hotel or motel when so designated by the operator thereof.

(e) Public area of a store principally devoted to the sale of food for human consumption off the premises, except in those areas leased to or operated by a person licensed pursuant to NRS 463.160.

(f) Child care facility.

(g) Bus used by the general public, other than a chartered bus, or in any maintenance facility or office associated with a bus system operated by any regional transportation commission.

(h) School bus.

2. The person in control of an area listed in paragraph (c), (d), (e), (f) or (g) of subsection 1:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) May designate separate rooms or portions of the area which may be used for smoking.

3. The person in control of a public building:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) Shall, except as otherwise provided in this subsection, designate a separate area which may be used for smoking.

If a part of a public building is leased to a private person, the person in control of the building shall not designate more than one-half of the part which is not leased as an area which may be used for smoking. A school district which prohibits the use of tobacco by pupils need not designate an area which may be used by the pupils to smoke.

4. The operator of a restaurant with a seating capacity of 50 or more shall maintain a flexible nonsmoking area within the restaurant and offer each patron the opportunity to be seated in a smoking or nonsmoking area.

5. A business which derives more than 50 percent of its gross receipts from the sale of alcoholic beverages or 50 percent of its gross receipts from gaming operations may be designated as a smoking area in its entirety by the operator of the business.

6. The smoking of tobacco is not prohibited in:

(a) Any room or area designated for smoking pursuant to paragraph (b) of subsection 2 or paragraph (b) of subsection 3.

(b) A licensed gaming establishment. A licensed gaming establishment may designate separate rooms or areas within the establishment which may or may not be used for smoking.

7. The person in control of a child care facility shall not allow children in any room or area he designates for smoking pursuant to paragraph (b) of subsection 2. Any such room or area must be sufficiently separate or ventilated so that there are no irritating or toxic effects of smoke in the other areas of the facility.

8. As used in this section:

(a) "Child care facility" means an establishment licensed pursuant to chapter 432A of NRS to provide care for 13 or more children.

(b) "Licensed gaming establishment" has the meaning ascribed to it in NRS 463.0169.

(c) "Public building" means any building or office space owned or occupied by:

(1) Any component of the University and Community College System of Nevada and used for any purpose related to the system.

(2) The State of Nevada and used for any public purpose, other than that used by the department of prisons to house or provide other services to offenders.

(3) Any county, city, school district or other political subdivision of the state and used for any public purpose.

If only part of a building is owned or occupied by an entity described in this paragraph, the term means only that portion of the building which is so owned or occupied.

(d) "School bus" has the meaning ascribed to it in NRS 483.160.".

Amend the title of the bill, third line, after the semicolon by inserting: "revising the provision restricting smoking in public buildings to specify the effect of leasing such a building;".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Assemblyman Price withdrew Amendment No. 1257.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 452.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1151.

Amend section 1, page 1, by deleting lines 8 through 10 and inserting: "*car or light commercial vehicle upon application by any person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the require-*".

Amend section 1, page 1, line 16, by deleting "*$10,*" and inserting "*$35,*".

Amend section 1, page 1, line 18, by deleting "*$20.*" and inserting "*$10.*".

Amend section 1, page 1, line 20, by deleting: "*an additional $25 fee*" and inserting: "*for the initial issuance of a plate an additional fee of $25 and for each renewal of the plate an additional fee of $20*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 458.

Bill read second time and ordered to third reading.

Senate Bill No. 470.

Bill read second time and ordered to third reading.

Senate Bill No. 471.

Bill read second time and ordered to third reading.

Senate Bill No. 495.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1123.

Amend section 1, page 1, line 3, by deleting "*An*" and inserting: "*In a county whose population is less than 100,000, a volunteer*".

Amend section 1, page 1, by deleting lines 13 and 14 and inserting:

"2. *In a county whose population is less than 100,000, a volunteer medical director of a public or private agency, including a health facility, which employs an emergency*".

Amend the title of the bill by deleting the first and second lines and inserting:

"An Act relating to emergency medical services; limiting the liability of volunteer emergency medical dispatchers and volunteer medical directors of entities that employ emergency medical dispatchers in smaller counties under certain circumstances; requiring the state board".

Amend the summary of the bill to read as follows:

"Summary—Limits liability of certain volunteers with respect to emergency medical services in smaller counties under certain circumstances. (BDR 3-1477)".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 526.

Bill read second time and ordered to third reading.

Senate Bill No. 533.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1234.

Amend sec. 2, page 2, by deleting line 33 and inserting:

"(3) *Verbal intimidation or coercion of the client without a redeeming purpose;*".

Amend sec. 2, page 2, by deleting lines 40 through 44 and inserting:

"(b) "Client" includes any person who seeks, on his own or others' initiative, and can benefit from care treatment and training in a *public or* private institution or facility offering mental health services.".

Amend sec. 5, page 4, by deleting lines 6 and 7 and inserting: "principal office , *the local office of an agency or organization that receives money from the Federal Government pursuant to 42 U.S.C. §§ 10801 et seq., to protect and advocate the rights of persons with mental illnesses* and the administrative office of any *public or*".

Amend sec. 7, page 5, by deleting lines 4 and 5 and inserting: "*contacting the local office of an agency or organization that receives money from the Federal Government pursuant to 42 U.S.C. §§ 10801 et seq., to protect and advocate the rights of persons with mental illnesses must be posted in each public and private mental health facility and*".

Amend the bill as a whole by deleting sections 9 and 10 and renumbering sec. 11 as sec. 9.

Amend the title of the bill, first and second lines, by deleting: "statutorily creating the office of protection and advocacy within the department of commerce;".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 540.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1209.

Amend sec. 2, page 1, line 24, by deleting: "*Knowingly makes a*" and inserting: "*Makes a knowing and*".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 551.

Bill read second time and ordered to third reading.

Senate Bill No. 562.

Bill read second time and ordered to third reading.

Senate Bill No. 567.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bills Nos. 787, 788 considered engrossed, declared emergency measures under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 311.

Bill read third time.

The following amendment was proposed by Assemblyman Spitler:

Amendment No. 1228.

Amend sec. 2, page 2, by deleting lines 15 through 18 and inserting:

"4. The "practice of architecture" consists of holding out to the public, and rendering or offering to render, services embracing the scientific,".

Amend sec. 2, page 2, line 19, by deleting "*design or*".

Amend sec. 2, page 2, line 22, by deleting: "[the] *such a*" and inserting "the".

Amend sec. 2, page 2, line 25, by deleting "[5.] *6.*" and inserting "5.".

Amend sec. 2, page 2, line 32, by deleting "*design or*".

Amend sec. 2, page 2, line 34, by deleting "*or*" and inserting "*and*".

Amend sec. 2, page 2, by deleting lines 42 through 44.

Amend sec. 5, page 3, by deleting lines 29 and 30 and inserting:

"2. Plans, specifications, reports and other documents issued by a regis-".

Amend sec. 5, page 3, by deleting lines 33 through 39 and inserting:

"3. It is unlawful for a person to stamp or seal any plans, specifications, reports or other documents with the seal after the".

Amend sec. 7, page 4, by deleting lines 22 and 23 and inserting: "plans, drawings, specifications or other instruments of service which have not been prepared by him or in his office, or under".

Amend sec. 10, page 6, line 1, by deleting the brackets.

Amend sec. 10, page 6, line 2, by deleting: "[.] *; or*" and inserting a period.

Amend sec. 10, page 6, by deleting lines 3 and 4.

Amend sec. 10, page 6, by deleting lines 10 through 14.

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblymen Spitler and Smith.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 787.

Bill read third time.

Remarks by Assemblymen Arberry, Evans, Myrna Williams, Spitler, Marvel.

Assemblyman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. Assembly Bill No. 787 has taken roughly six months to get to this point. We are almost down to the final hour. But, as any committee such as Ways and Means has an opportunity to take a look at the budget, I can say that the committee has worked diligently to achieve an instrument such as Assembly Bill No. 787. And to achieve that, you have to have a very good committee, a hard working committee, and I can say that was your committee on Ways and Means. To show that the committee had a lot of input on this, as your chairman, Mr. Speaker, I would like to have each one of the subcommittee members talk a little bit on pieces of Assembly Bill No. 787. We will make it brief. I will make my opening statements and remarks very brief. But the only way we were able to get here was through the support of the committee as a whole. So, I will open up talking a little bit about Assembly Bill No. 787. This bill, the school funding bill, the capital improvements bills, the General Authorization Act are the final results of session-long deliberations by the Assembly Committee on Ways and Means and the Senate Committee on Finance. The General Appropriation Act and other appropriation bills considered throughout the session provide for the operation of Nevada State Government

for the 1993-1995 biennium. The money committees recommendation of the operating budget, including the Distributive School Account and the class size reduction program, called for the spending of $2.16 billion of general fund dollars during the 1993-1995 biennium.

Assembly Bill No. 787 includes the many budget actions required to bring the budget in line with Assembly Bill No. 782, the reorganization bill of state government. In support of the concerns expressed by the representatives of local governments, and to ensure uniform and equitable property assessment practices continue to exist throughout the state, the money committees restored funding in the department of taxation budget for four property appraiser positions which were recommended for reorganizational savings at the cost of approximately $386,000 in the general fund for the biennium. Additionally, two positions in the department of taxation, in the local government finance division which were recommended to be eliminated in the executive budget, were restored by the money committees to continue the local government oversight functions which include ensuring consistent budgetary and accounting practices which are used by all local governments and calculating the revenue limitations for the various taxing districts throughout the state. The recommendations required the addition of approximately $212,000 in the general fund for the biennium. The money committees also approved the Governor's proposal to implement the combined tax audit of Nevada businesses which requires an addition of approximately $1.5 million in the state general fund to ease the concerns expressed by the U.S. Department of Labor. The level of federal funding recommended by the executive budget to support the Governor's plan was in excess of what the Department of Labor considered to be necessary to the administration of the state unemployment insurance program.

Funding for primary and secondary education will be the subject of separate legislation and is not included in this bill. However, as in the past, primary and secondary education will receive the largest portion of general fund support, approximately $708 million for distributive school account and approximately $53 million for the class size reduction program. In higher education, the executive budget recommended funding in the amount of $388 million to support the university and community college systems of Nevada. Funding was increased slightly by the money committees for the 1993-1995 biennium. The additional funding will provide for replenishment of the university and community college system's unemployment compensation fund which has not been increased since 1987 through 1988, and has been operating on a reserve. The additional funding will also allow for the southern Nevada editor for the University Press.

And that is my statement, Mr. Speaker. But, as I said in the beginning, to make this committee work, we had a fine body. And part of that fine body is some of the committee members that will present the human resource side. Assemblywoman Jan Evans will present the division of mental hygiene/mental retardation. Health and rehabilitation will be presented by Assemblywoman Myrna Williams. Dealing with the department of prisons will be my vice chair, Mr. Spitler, and closing on the remarks and dealing with conservation and natural resources will be Mr. Marvel. Thank you, Mr. Speaker.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. In the department of human resources, division of child and family services, the money committees made numerous budget reductions, increased expenditures in some accounts and realigned proposed expenditure in others. The most significant recommendation made by the money committees in the children's division resulted in the addition of approximately $1.2 million in each year of the 1993-1995 biennium to support the continuation of the youth parole function as a state responsibility. The executive budget had recommended that the youth parole function be turned over to the counties in 1993. The money committees were faced with an extremely difficult decision and were unable to authorize new general fund revenues to support the continued functioning of youth parole. Therefore, we were forced to eliminate the probation subsidies program that would sponsor youth parole.

In the division of aging services, the money committees provided additional general funds for each year of the 1993-1995 biennium to support the continuation of preventive health services for seniors which were implemented during the current biennium, as well

as increased funding to support the division care giver training program. This increase will provide training of family and professional caregivers of the elderly in both northern and southern Nevada each year. In the welfare division, the aid to dependent children budget was closed. The funding to maintain the ADC grant at their current level of $348 for a family of three that does not receive public housing, and $272 a month for a family of three that does receive a public housing allowance. Recent ADC caseload projections indicate caseload increases are moderating. Therefore, it was not necessary for the money committees to augment the ADC budget for projected caseloads greater than that recommended in the executive budget. This has been a problem for us in the last two bienniums. In closing the ADC budget, the money committees did not incorporate the Governor's welfare reform proposals.

In other significant actions, money committees approved much needed eligibility staff support to process ADC and Medicaid applications in a timely manner. We approved the continuing funding for the development of the welfare division's federally certified data processing project commonly referred to as "NOMADS." And finally, we were able to enhance the early prenatal care services through the Medicaid's maternal obstetrical management services which provides case management services to pregnant women determined to be at high risk for pregnancy complications.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. In the division of mental hygiene/mental retardation the executive budget recommended, and the money committees concurred, with the addition of funding to address the most pressing needs of the division. These needs were identified by the division as additional case managers, supported housing, crisis counseling and contact with day training and job placement. In addition to the recommended enhancements, as included in the executive budget, the money committees have provided additional funding to open a community services satellite office in southeast Las Vegas. The division provided information to the money committees which indicated approximately 217 clients from the Henderson area were receiving services at the Henderson Counseling Center prior to its closure due to budget reductions over the 1991-1993 biennium. Forty-four clients from the Henderson area were currently receiving services at the division's West Charleston office. Additionally, the division advised it would take up to two hours in each direction to commute from the Henderson area to access services at the West Charleston office. The services that are specifically targeted for the new office are crisis counseling, case management services, supported housing, medication clinic services and training and living skills. In the rehabilitation division, the money committees approved fixed portions of the Governor's reorganizational proposal which recommended that the rehabilitation division be merged into the new Department of Employment Training and Rehabilitation.

In reviewing and closing the budgets for the rehabilitation division, the money committees provided additional general fund support in order to maintain current services which consisted primarily of reinstating positions that were recommended to be deleted by the reorganization of governmental services. General fund support was also added for the necessary matching amounts for the continued receipt of the federal "older blind" independent living grant.

ASSEMBLYMAN SPITLER:

Thank you, Mr. Speaker. In the area of public safety, along with the Department of Prisons, the public safety section of the budget provides funding for the Department of Prisons, the Department of Parole and Probation, the Parole Board and the Department of Military. The reorganization, as proposed by the Governor and included in Assembly Bill No. 782, provides for the transfer of the Department of Parole and Probation and the Parole Board to the Department of Motor Vehicles and Public Safety.

The Department of Military is reorganized in Assembly Bill No. 782 as the Office of the Military. The Department of Prisons remains as the Department of Prisons following the reorganization plan. Within the Department of Prisons, the Governor's recommended budget for that department for the 1993-1995 biennium reflected a reduced average inmate population of 351 inmates in fiscal year 1994, and 766 inmates in fiscal year 1995. The reduced inmate population would have resulted in the closure of a number of conservation

camps and was predicated upon the approval of legislation which was loosely referred to as the Facilities Capacity Act, Senate Bill No. 338. That legislation was not approved. Therefore, additional funding is provided due to the increased cost that will be incurred by the Department of Prisons over the 1993-1995 biennium as a result of housing for an increased number of inmates. The Department of Prisons estimates they will house 485 additional inmates in June of 1994, and 970 additional inmates in June of 1995 as a result of the Facilities Capacity Act not being approved. This translates into an additional funding requirement from the state general fund of approximately $16.1 million over the 1993-1995 biennium. Thank you, Mr. Speaker.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. It was a pleasure serving on the subcommittee that you chaired on Conservation and Natural Resources. As most of you know, the division of water resources was particularly hard hit by the Governor's recommended budget which would have reduced the staff by 17½ positions, or 35 percent of the proposed budget we submitted in 1991. Presently, a five-year backlog of protested water applications exists. Dam inspections and adjudication efforts have been severely curtailed because of the drastic budget reductions. The 17½ positions recommended for elimination were restored by legislation enacted this session which will allow the agency to reduce a backlog and collect more than enough revenue to offset the cost of retaining the positions that were scheduled for elimination.

The division of conservation districts was restored at an added cost of $66,000 for the biennium to continue to serve 29 locally elected conservation boards working to conserve our state's natural resources, which is very important now that we are coming out of a draught. The Governor recommended the Board of Wildlife Commissioners, the State Conservation Commission and the Advisory Board for Water Planning and Development to be consolidated into the new Natural Resources Board. These three boards have been retained. Instead, the money committees consolidated the following three boards into a new seven member Natural Resources Board: the State Parks Advisory Board, the Board for Forestry and Fire Control and the State Multiple-Use Advisory Committee on Federal Lands. And that concludes the statement. Thank you, Mr. Speaker.

Conflicts of interest declared by Assemblymen Evans, Gibbons, Humke and Regan.

The following amendment was proposed by Assemblyman Price:

Amendment No. 1216.

Amend the bill as a whole by deleting sec. 51 and renumbering sections 52 and 53 as sections 51 and 52.

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblymen Price, Giunchigliani, Arberry, Evans, Marvel, Bache and Spitler.

Assemblyman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. Let me tell you up front my objection to the act. It was discussed in Ways and Means extensively. If you would turn your attention to page 13, Section 51. Because this act is session law, for the next two years it actually changes a portion of the Nevada Revised Statutes, but you will never see it change in there because it does not become codified. Under Section 353.225 in the law today, is a method that the Governor attempted to follow during the last crisis we had between sessions to make changes in the Appropriations Act, specifically, if you recall, not to provide the increase for the public employees and some other areas. His actions were found unconstitutional. Section 51 of the bill that we are hearing attempts to make some changes to confer legislative powers to the Governor. It attempts to set up a procedure amending existing law, but not putting it into the Nevada Revised Statutes, that would allow the Governor, in a crisis to make a decision. I contend we should be a part of the decision-making process.

When there is a crisis, we are the people's branch of government who were elected to make decisions, and sometimes tough political decisions, but that is our job in the American process. We should have been called in for one, two or five days, and we should have been part of the process. This amendment proposes to remove Section 51 so that the law would continue as it has been to date, and this body would continue to be a major player in the family of government in making decisions for what is good, what is bad and what is needed for the State of Nevada. I do not expect this to pass because most people do not want to come back up here. But perhaps, just perhaps you will. I, to my knowledge, will resist giving legislative powers to another branch of government because we are elected by the citizens in our individual districts to make the tough decisions. By enacting Section 51, it makes it easier for the Governor, in this case it would only be this Governor because it is only for the next two years, but regardless of who happened to be holding the office at any given time, it conveys our powers to them.

I thank you, and I would like to thank the staff. I had a little trouble finding this amendment, and I actually passed it out after my colleague and chairman of Ways and Means started talking. I thank the staff for their fast work.

ASSEMBLYMAN GIUNCHIGLIANI:

I, too, rise in support of Amendment No. 1216 to Assembly Bill No. 787. I voted against the appropriations bill in committee because of this section. As my colleague said, not only does it give away some of our powers and our authority, it also grants extending authority to the governor during a fiscal crisis. If we have chosen to have numbers that are bogus, or have improperly funded, or the taxes did not come in as high as we thought they would, then I think it is our responsibility to come back to the legislature during a special session and make things right. What this will do, even though it says that the Governor can cut through reserves up to 15 percent if there is a projected shortfall of $35 million, and the legislative Interim Finance Committee still gets a chance to approve it, number one, you have given up your authority. But even more importantly, what occurred this year less than two months ago when you were asked to cut $18 million out of the basic support fund for schools, was because the Governor did not have the authority to touch that. This begins to amend that section and gives him the authority to now go in and set aside the money, whereas before he could only request it. And if the districts wanted to, they could comply. If not, they did not because they had to recognize that no matter what, basic support for schools was there and the children still appeared. Those are my main objections to this. I voted, unfortunately, a couple of times against some of the subcommittee reports, although the committee did a wonderful job trying to fix an unbalanced budget that was presented to the legislature. But this item, I think, really does begin to make a change and you will see it in two other bills that will be coming before you sometime before "sine die." I would urge your consideration. Thank you.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. I rise in opposition to Amendment No. 1216 to Assembly Bill No. 787. One of the main reasons I rise in opposition is there are court cases, as I understand, that support the issue the Ways and Means Committee has addressed in this particular section, Section 51. Governors in other states have tried to implement what our Governor did a few months ago in cutting budgets. The court cases basically came back and said that the Governor should not do any type of issue dealing with a budget cut, but the court cases also established guidelines which is what this piece of legislation does. It establishes some guidelines that will be set by this body to provide more input from us, and I know that the Governor supports this issue. Our Legislative Counsel Bureau has come back and said this legislation is okay. Also, Mr. Speaker, we did not just dream this language up. This is something that needs to be done, and if you look in the statutes, from what I understand, Statute 353.225, the Governor already has the authority to do such a thing. But I feel this piece of legislation that is enacted in the back of the bill, gives us more teeth and more information that we can provide to our constituency in coming up here. Thank you, Mr. Speaker, and I rise in opposition to this amendment.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I, too, rise in opposition to the proposed amendment. I direct

the body's attention to the words in Section 51, in particular lines 20 through 27 on page 13, where it explains the procedure that the Governor will have to follow in reporting to the legislature or reporting to Interim Finance if the legislature is not in session. That is in part (a). Then in part (b), it specifies that the reserve must not be set aside unless the legislature or Interim Finance approves setting aside the reserve. So I think that considerably strengthens what the current language is.

I would also like to urge defeat of this motion and passage of the bill because this is what we call "session law." In other words, this lasts for two years and will deal with what may occur in the coming year and a half. It is good because not only is it binding, but it allows us then to stop and evaluate what has happened in the interim. When we come back here in two years, we can either do this again or something else rather than putting it into the statutes. So, those are the arguments for having these important provisions in session law. I do urge the Assembly to defeat this amendment.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I also rise in opposition to Amendment No. 1216 for the same reasons as the chairman of Ways and Means and my very articulate colleague from Sparks. I was going to direct you to the same portion of the statute that has already been addressed. Having served on the subcommittee with you, Mr. Speaker, and with the chairman, and of course we had input from our legal division, I think this was the best language that we could have put together. As we were just told, this is only session law. It goes away in two years. So I, too, heartily recommend that we defeat this amendment.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. I rise in support of Amendment No. 1216. I think it is a sad day when the legislature would consider giving up their responsibilities and duties to carry out the Constitution of the State of Nevada through Section 51 of this bill. Thank you, very much.

ASSEMBLYMAN SPITLER:

Thank you, Mr. Speaker. I rise in opposition to Amendment No. 1216 to Assembly Bill No. 787. You know, as we look back over these things, Mr. Speaker, we live in very difficult economic times, and there is not a Nevadan around who does not know that if we do not have the money, we cannot spend it. I trust what the Governor has had to do in his hard choices, and I trust the budget process. There are checks and balances within this particular section of the law, and I think that we should look at it very carefully. No one likes to cut budgets to education or to mental health. Those were extremely hard choices. There was no money, and it seems incongruent to me that we would again spend $55,000 to $60,000 convening only to arrive at the same decision when we can authorize that at least in a two-year window. Thank you, Mr. Speaker.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. One of the things I love about politics is when we, among friends and colleagues, debate these issues. I can say that 99.9 percent of what each of my colleagues right down the row here has said is true and accurate, and I agree with them, but when you think about what was said, there have been court cases that have indicated you needed to have some type of language like this so that we can confer our responsibility to one person, that being the Governor. It is not easy being a legislator. It takes us away from our families and our jobs. It costs us money and we go broke. It has broken up families. But we have a duty, and we are, I consider the most important, but I would admit to being biased, but we are a major part of the decision-making process of how to run our state. Just because times get tough five months from now, and we do not want to leave our job for three or four or five days, that does not take the responsibility away from us. By the way, it does not cost $55,000 a day to convene a special session as it does now for a regular session because a great deal of this is in all of the help that we hire for a full session. So, a special session is much, much cheaper. The last special session that we had to undue our pensions, we all did voluntarily. I thank you for the debate here today and urge my colleagues to support this. May I respectfully call for a roll-call vote?

Assemblymen Price, Anderson and Bache requested a roll call on Assemblyman Price's motion.

Assemblymen Heller, Ernaut and Bennett moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 1216 to Assembly Bill No. 787.

Roll call on Assemblyman Price's motion:

YEAS—5.

NAYS—Anderson, Arberry, Augustine, Bennett, Bonaventura, Carpenter, Chowning, de Braga, Ernaut, Evans, Freeman, Garner, Gibbons, Gregory, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Marvel, Neighbors, Perkins, Petrak, Porter, Regan, Sader, Scherer, Schneider, Segerblom, Smith, Spitler, Tiffany, Toomin, Myrna Williams, Wendell Williams, Mr. Speaker—37.

The motion having failed to receive a majority, Mr. Speaker declared the amendment lost.

Roll call on Assembly Bill No. 787:

YEAS—41.

NAYS—None.

Not voting—Gibbons.

Assembly Bill No. 787 having received a constitutional majority, Mr. Speaker declared it passed.

Assemblyman Porter moved that all rules be suspended and that Assembly Bill No. 787 be immediately transmitted to the Senate.

Motion carried unanimously.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:15 p.m.

ASSEMBLY IN SESSION

At 7:37 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 29, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 782.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 39.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 559.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 731; Senate Bills Nos. 91, 190, 473, 19 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Assembly Bills Nos. 193, 474, 592 be placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 559.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 731.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1167.

Amend sec. 3, pages 2 and 3, by deleting lines 3 through 48 on page 2 and lines 1 through 40 on page 3.

Amend sec. 3, page 3, line 41, by deleting "Sec. 2." and inserting "Section 1.".

Amend sec. 3, page 4, line 8, by deleting "[(e)" and inserting "[(e)] *5.*".

Amend sec. 3, page 4, line 11, by deleting the closed bracket.

Amend sec. 3, page 4, line 12, by deleting "3." and inserting "2.".

Amend sec. 4, page 4, by deleting lines 16 through 27 and inserting:

"Shall the Sales and Use Tax Act of 1955 be amended to provide an express exemption from the taxes imposed by this act on the gross receipts from the sale of any tangible personal property by the United States, by any unincorporated agency or instrumentality of the United States, by certain incorporated agencies or instrumentalities of the United States, by the State of Nevada, by any political subdivision of the State of Nevada or by certain organizations created for religious, charitable or eleemosynary purposes?".

Amend sec. 5, page 4, by deleting lines 35 through 46 and inserting: "would expressly exempt from the taxes imposed by this act the gross receipts from the sale of any tangible personal property by the United States, by any unincorporated agency or instrumentality of the United States, by certain incorporated agencies or instrumentalities of the United States, by the State of Nevada, by any political subdivision of the State of Nevada or by certain organizations created for religious, charitable or eleemosynary purposes.".

Amend sec. 5, page 5, line 1, by deleting: "exemption, requirements and limited".

Amend the bill as a whole by deleting sec. 9 and renumbering sections 10 and 11 as sections 9 and 10.

Amend sec. 10, page 7, line 10, by deleting the open bracket.

Amend sec. 10, page 7, line 12, by deleting the closed bracket.

Amend sec. 11, page 7, by deleting line 13 and inserting:

"Sec. 10. Section 9 of this act becomes effective on January 1,".

Amend the title of the bill to read as follows:

"An Act relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide expressly an exemption for the gross receipts from the sale of tangible personal property by specified governmental entities and by certain organizations created for religious, charitable or eleemosynary purposes; contingently providing the same exemption for certain analogous taxes; and providing other matters properly relating thereto.".

Amend the summary of the bill, third line, by deleting "educational" and inserting "eleemosynary".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 91.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1198.

Amend sec. 2, page 1, line 3, by deleting "*shall*" and inserting "*may*".

Amend sec. 2, page 1, line 21, after the semicolon by inserting "*and*".

Amend sec. 2, page 2, by deleting lines 1 through 4 and inserting:

"*10. The procedure which a school council or board of trustees may use to withdraw from a*".

Amend sec. 2, page 2, line 4, by deleting "*11.*" and inserting "*10.*".

Amend the title of the bill, first line, by deleting "requiring" and inserting "authorizing".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 473.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1247.

Amend section 1, page 1, by deleting line 10 and inserting:

"3. Any person failing".

Amend section 1, page 1, by deleting lines 15 through 17.

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 190.

Bill read second time and ordered to third reading.

Senate Bill No. 19.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1152.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 167, Statutes of Nevada 1947, as last amended by chapter 544, Statutes of Nevada 1991, at page 1714, is hereby amended by adding thereto a new section to be designated as section 27 to read as follows:

Sec. 27. 1. At the request of the Southern Nevada Water Authority, to pay all or any part of the cost of one or more water projects, the district may issue special obligations of the district which are secured by, or general obligations of the district which are additionally secured by:

(a) Revenue derived from any water project owned, constructed, acquired or improved by the Southern Nevada Water Authority;

(b) Revenue made available to the district for payment of debt service by the Southern Nevada Water Authority or any member; or

(c) Any combination of paragraphs (a) and (b) of this subsection.

Any revenue pledged by the Southern Nevada Water Authority or any member pursuant to this subsection may be treated as pledged revenue of the water project for the purpose of subsection 2 of NRS 350.020.

2. The Southern Nevada Water Authority or any member may contract with the district to make specified revenue available to the district for the payment of debt service. Such a contract must be irrevocable for the term of the obligations secured by the contract or any obligations refunding those obligations.

3. The provisions of chapter 350 of NRS govern the issuance of general or special obligations pursuant to this section.

4. Subject to any lien imposed for the benefit of the owners of bonds:

(a) The proceeds of any bonds issued pursuant to this section must be expended at the direction of the Southern Nevada Water Authority; and

(b) Title to any water project financed with obligations issued pursuant to this section must be held by the Southern Nevada Water Authority.

5. To ensure whole or partial payment of the special or general obligations of the district issued pursuant to this section, the payment of which is secured by a pledge of the revenue derived from a water

project, the Southern Nevada Water Authority shall establish, maintain, and if necessary, periodically revise a schedule or schedules of fees, rates and charges for services and facilities provided by the water project. The fees, rates and charges must:

(a) Produce sufficient revenue to ensure the payment of the general or special obligations of the district and to discharge any covenant in the proceedings of the district authorizing the issuance of any of those obligations, including any covenant for the establishment of reasonable reserve funds; and

(b) Produce sufficient revenue to pay the:

(1) Expenses associated with the operation and maintenance of works and properties;

(2) Expenses associated with providing services; and

(3) General expenses,

of the Southern Nevada Water Authority.

6. As used in this section, unless the context otherwise requires:

(a) "Member" means a member of the Southern Nevada Water Authority.

(b) "Water project" means facilities pertaining to a water system for the collection, transportation, treatment, purification and distribution of water, including, without limitation, springs, wells, ponds, lakes, water rights, other raw water sources, basin cribs, dams, spillways, retarding basins, detention basins, reservoirs, towers and other storage facilities, pumping plants, infiltration galleries, filtration plants, purification systems, other water treatment facilities, waterworks plants, pumping stations, gauging stations, ventilating facilities, stream gauges, rain gauges, valves, standpipes, connections, hydrants, conduits, flumes, sluices, canals, channels, ditches, pipes, lines, laterals, service pipes, force mains, submains, syphons, other water transmission and distribution mains, engines, boilers, pumps, meters, apparatus, tools, equipment, fixtures, structures, buildings and other facilities for the acquisition, transportation, treatment, purification and distribution of untreated water or potable water for domestic, commercial and industrial use and irrigation, or any combination thereof.".

Amend the title of the bill to read as follows:

"An Act relating to the financing of water projects; authorizing the Las Vegas Valley water district to issue bonds at the request of the Southern Nevada Water Authority; authorizing the Colorado River commission to issue additional bonds; repealing the Colorado River commission's authority to issue certain bonds; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes to the authority of the Colorado River commission and the Las Vegas Valley water district to issue bonds. (BDR S-528)".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 788.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 788:

YEAS—42.

NAYS—None.

Assembly Bill No. 788 having received a constitutional majority, Mr. Speaker declared it passed.

Assemblyman Porter moved that all rules be suspended and that Assembly Bill No. 788 be immediately transmitted to the Senate.

Motion carried unanimously.

Assembly Bill No. 193.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1191.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 7, following the enacting clause, to read as follows:

"Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *"Home for individual residential care" means a home in which a natural person furnishes food, shelter, assistance and limited supervision to not more than two persons who are aged, infirm, mentally retarded or handicapped, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services.*

Sec. 3. *1. The board shall adopt regulations establishing a procedure for the registration by the health division of homes for individual residential care.*

2. The health division shall register any home for individual residential care that:

(a) Complies with the regulations adopted pursuant to subsection 1; and

(b) Pays to the health division a registration fee of $50. Any money received by the health division pursuant to this paragraph must be forwarded to the state treasurer for deposit in the state general fund.

Sec. 4. *The health division and the aging services division of the department of human resources may:*

1. Investigate any complaints against a home for individual residential care and, when conducting such an investigation, may inspect the home at any time, with or without notice.

2. Report to an appropriate state or local agency any violations of state or local laws or regulations discovered during an investigation conducted pursuant to this section.

Sec. 5. *1. A person shall not operate or maintain in this state a home for individual residential care unless the home is registered with the health division pursuant to section 3 of this act.*

2. A person who violates subsection 1 is guilty of a misdemeanor.

Sec. 6. NRS 449.001 is hereby amended to read as follows:

449.001 As used in this chapter , unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.019, inclusive, *and section 2 of this act,* have the meanings ascribed to them in those sections.

Sec. 7. 1. This section and sections 1 to 4, inclusive, and 6 of this act become effective on July 1, 1993.

2. Section 5 of this act becomes effective on January 1, 1994.".

Amend the title of the bill to read as follows:

"An Act relating to health care; requiring homes providing certain health care to not more than two persons to register with the health division of the department of human resources; authorizing the investigation of complaints against those homes; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides for registration and investigation of homes providing certain health care to not more than two persons. (BDR 40-803)".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblymen Evans, Scherer, Humke, Myrna Williams and Petrak.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 474.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1041.

Amend the bill as a whole by deleting sections 1 through 9 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

"Section 1. Chapter 616 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires:*

1. "Applicant" means a person seeking a certificate of insurance pursuant to sections 2 to 9, inclusive, of this act.

2. "Client company" means a company which leases employees, for a fee, from an employee leasing company pursuant to a written agreement.

3. "Employee leasing company" means a company which, pursuant to a written agreement, places all or substantially all of the regular, full-time employees of a client company on its payroll and, for a fee, leases them to the client company on a regular basis without any limitation on the duration of their employment.

Sec. 3. *1. A person shall not operate an employee leasing company in this state unless he has complied with the provisions of sections 2 to 9, inclusive, of this act. The manager shall issue a certificate of insurance to each applicant who complies with the provisions of sections 2 to 9, inclusive, of this act.*

2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

3. Each certificate of insurance issued by the manager pursuant to sections 2 to 9, inclusive, of this act, expires 1 year after it is issued unless renewed before that date.

Sec. 4. *An applicant for the issuance or renewal of a certificate of insurance must submit to the manager a written application upon a form provided by the manager.*

Sec. 5. *1. Each application must include:*

(a) The applicant's name and title of his position with the employee leasing company.

(b) The applicant's age, place of birth and social security number.

(c) The applicant's address.

(d) The business address of the employee leasing company.

(e) The business address of the resident agent of the employee leasing company, if the applicant is not the resident agent.

(f) If the applicant is a:

(1) Partnership, the name of the partnership and the name, address, age, social security number and title of each partner.

(2) Corporation, the name of the corporation and the name, address, age, social security number and title of each officer of the corporation.

(g) Proof of:

(1) The payment of any taxes required by chapter 364A of NRS.

(2) The payment of any premiums for industrial insurance required by this chapter and chapter 617 of NRS.

(3) The payment of contributions or payments in lieu of contributions required by chapter 612 of NRS.

(4) Insurance coverage for any benefit plan from an insurer authorized pursuant to Title 57 of NRS that is offered by the employee leasing company to its employees.

(5) Membership in the National Staff Leasing Association, or its successor organization.

(h) Any other information the manager requires.

2. Each application must be notarized and signed under penalty of perjury:

(a) If the applicant is a sole proprietorship, by the sole proprietor.

(b) If the applicant is a partnership, by each partner.

(c) If the applicant is a corporation, by each officer of the corporation.

3. An applicant shall submit to the manager any change in the information required by this section within 30 days after the change occurs. The manager may revoke the certificate of insurance of an employee leasing company which fails to comply with provisions of this subsection. If the manager revokes the certificate of insurance and cancels the employee leasing company's policy, the manager shall immediately notify the administrator, who shall proceed in accordance with the provisions of NRS 616.629.

Sec. 6. *The employment relationship with workers provided by an employee leasing company to a client company must be established by written agreement between the employee leasing company and the client company. The employee leasing company shall give written notice of the employment relationship to each leased employee assigned to perform services for the client company.*

Sec. 7. *1. For the purposes of this chapter and chapters 364A, 612 and 617 of NRS, an employee leasing company which complies with the provisions of sections 2 to 9, inclusive, of this act, shall be deemed to be the employer of the employees it leases to a client company.*

2. An employee leasing company shall be deemed to be the employer of its leased employees for the purposes of sponsoring and maintaining any benefit plans.

3. An employee leasing company may not offer its employees any self-funded insurance program. An employee leasing company may not act as a self-insured employer pursuant to this chapter or chapter 617 of NRS or pursuant to Title 57 of NRS.

4. If an employee leasing company fails to:

(a) Pay any contributions, premiums, forfeits or interest due; or

(b) Submit any reports or other information required,

pursuant to this chapter or chapter 612 or 617 of NRS, the client company is jointly and severally liable for the contributions, premiums, forfeits or interest attributable to the wages of the employees leased to it by the employee leasing company.

Sec. 8. *The manager, in cooperation with the executive director of the employment security department, shall, and the commissioner of insurance may, adopt regulations to carry out the provisions of sections 2 to 9, inclusive, of this act.*

Sec. 9. *An action for damages caused by the failure of an employee leasing company to comply with the provisions of sections 2 to 9, inclusive, of this act, may be brought against any person who is required to sign the application for a certificate of insurance for the employee leasing company.*".

Amend sec. 10, page 3, line 25, by deleting: "register pursuant to" and inserting "comply with".

Amend the title of the bill by deleting the second line and inserting: "obtain a certificate of industrial insurance; establishing certain requirements for the operation".

Amend the summary of the bill to read as follows:

"Summary—Requires industrial insurance for employee leasing companies. (BDR 53-100)".

Assemblyman Collins moved the adoption of the amendment.

Remarks by Assemblyman Collins.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 592.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1046.

Amend section 1, page 1, line 8, by deleting "*$10*" and inserting "*$7*".

Amend section 1, page 1, line 16, by deleting "*10*" and inserting "*7*".

Amend section 1, page 1, line 17, by deleting "*10*" and inserting "*7*".

Amend sec. 3, pages 2 and 3, by deleting lines 36 through 48 on page 2 and lines 1 through 44 on page 3 and inserting:

"For serving a summons or complaint, or any other process, by which an action or proceeding is commenced, except as a writ of habeas corpus, on every defendant..... $10

For traveling and making such service, per mile in going only, to be computed in all cases the distance actually traveled, for each mile..... 1

If any two or more papers are required to be served in the same suit at the same time, where parties live in the same direction, one mileage only may be charged.

For taking a bond or undertaking in any case in which he is authorized to take a bond or undertaking.....[$3] *4*

For a copy of any writ, process or other paper, when demanded or required by law, for each page..... 2

For serving every rule or order..... 8

For serving one notice required by law before the commencement of a proceeding for any type of eviction..... 15

For serving not fewer than 2 nor more than 10 such notices to the same location, each notice..... 12

For serving not fewer than 11 nor more than 24 such notices to the same location, each notice..... 10

For serving 25 or more such notices to the same location, each notice..... 9

For mileage in serving such a notice, for each mile necessarily and actually traveled in going only..... 1

But if two or more notices are served at the same general location during the same period, mileage may only be charged for the service of one notice.

For serving a subpena, for each witness summoned..... 8

For traveling, per mile in serving subpenas, or a venire, in going only, for each mile..... 1

When two or more witnesses or jurors live in the same direction, traveling fees must be charged only for the most distant.

For serving an attachment on property, or levying an execution, or executing an order of arrest or order for the delivery of personal property, together with traveling fees, as in cases of summons..... 5

For making and posting notices and advertising for sale, on execution or any judgment or order of sale, not to include the cost of publication in a newspaper..... 5

For issuing each certificate of sale of property on execution or order of sale, and for filing a duplicate thereof with the county recorder, which must be collected from the party receiving the certificate..... 3

For drawing and executing every sheriff's deed, to be paid by the grantee, who shall in addition pay for the acknowledgment thereof..... 12

For serving a writ of possession or restitution, putting any person into possession entitled thereto..... 15

For traveling in the service of any process, not otherwise provided in this section, for each mile necessarily traveled, for going only, for each mile..... 1

For mailing a notice of a writ of execution..... 1

The sheriff may charge and collect $1 per mile traveled, for going only, on all papers not served, where reasonable effort has been made to effect service, but not to exceed $20.".

Amend sec. 4, pages 4, 5 and 6, by deleting lines 26 through 47 on page 4, lines 1 through 47 on page 5 and lines 1 through 7 on page 6 and inserting:

"Sec. 4. (Deleted by amendment.)".

Amend sec. 5, page 6, line 10, by deleting "*$23.*" and inserting "*$19.*".

Amend sec. 6, page 6, line 19, by deleting "*$31.00*" and inserting "*$28.00*".

Amend sec. 6, page 6, line 21, by deleting "[35.00] *44.00*" and inserting "35.00".

Amend sec. 6, page 6, line 22, by deleting "*31.00*" and inserting "*28.00*".

Amend sec. 6, page 6, line 25, by deleting "*13.00*" and inserting "*12.00*".

Amend sec. 6, page 6, line 27, by deleting "*25.00*" and inserting "*22.00*".

Amend sec. 6, page 6, line 29, by deleting "*38.00*" and inserting "*34.00*".

Amend sec. 6, page 6, line 33, by deleting "*14.00*" and inserting "*12.00*".

Amend sec. 6, page 6, line 34, by deleting "*7.00*" and inserting "*6.00*".

Amend sec. 6, page 6, line 38, by deleting "*7.00*" and inserting "*6.00*".

Amend sec. 6, page 6, line 41, by deleting "*7.00*" and inserting "*6.00*".

Amend sec. 6, page 6, line 42, by deleting "*14.00*" and inserting "*12.00*".

Amend sec. 6, page 6, line 46, by deleting "*14.00*" and inserting "*12.00*".

Amend sec. 6, page 6, line 48, by deleting "*14.00*" and inserting "*12.00*".

Amend sec. 6, page 7, line 2, by deleting "[35.00] *49.00*" and inserting "35.00".

Amend sec. 6, page 7, line 3, by deleting "*7.00*" and inserting "*6.00*".

Amend sec. 6, page 7, line 5, by deleting "*.35*" and inserting "*.30*".

Amend sec. 6, page 7, line 10, by deleting "[40.00] *56.00*" and inserting "40.00".

Amend sec. 7, page 7, line 28, by deleting "*$28*" and inserting "*$24*".

Amend sec. 8, page 7, line 37, by deleting "*$65*" and inserting "*$56*".

Amend sec. 8, page 7, line 40, by deleting "*49*" and inserting "*42*".

Amend sec. 8, page 7, line 46, by deleting "*80*" and inserting "*72*".

Amend sec. 8, page 8, line 2, by deleting "*52*" and inserting "*44*".

Amend sec. 8, page 8, line 6, by deleting "*52*" and inserting "*44*".

Amend sec. 8, page 8, line 9, by deleting "*52*" and inserting "*44*".

Amend sec. 8, page 8, line 10, by deleting "*28*" and inserting "*24*".

Amend sec. 8, page 8, line 22, by deleting "*7*" and inserting "*6*".

Amend the bill as a whole by adding a new section designated sec. 9.5, following sec. 9, to read as follows:

"Sec. 9.5. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise specifically provided by statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these bodies. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate physically handicapped persons desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list and description of the items to be voted on during the meeting which must be clearly denoted as items on which action will be taken.

(3) A period devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken pursuant to subparagraph (2).

3. Minimum public notice is:

(a) A copy of the notice posted at the principal office of the public body, or if there is no principal office, at the building in which the meeting is to be held, and at least three other separate, prominent places within the jurisdiction of the public body; and

(b) Mailing a copy of the notice to any person who has requested notice of the meetings of the body in the same manner in which notice is required to be mailed to a member of the body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with or notation upon the first notice sent.

4. *Upon any request, a public body shall provide, at no charge, at least one copy of:*

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Any other supporting material provided to the members of the body for an item on the agenda.

5. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.".

Amend sec. 10, page 9, line 20, by deleting "*$50,*" and inserting "*$35,*".

Amend sec. 10, page 9, line 21, by deleting "*50*" and inserting "*35*".

Amend sec. 11, page 9, line 28, by deleting "*$25.*" and inserting "*$17.*".

Amend sec. 12, page 10, line 15, by deleting "*$50*" and inserting "*$35*".

Amend sec. 13, pages 10 and 11, by deleting lines 17 through 48 on page 10 and lines 1 through 29 on page 11, and inserting:

"Sec. 13. (Deleted by amendment.)".

Amend sec. 14, page 11, line 32, by deleting "*$25.*" and inserting "*$17.*".

Assemblyman Ernaut moved the adoption of the amendment.

Remarks by Assemblyman Ernaut.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wendell Williams moved that Senate Bill No. 218 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 218.

Bill read third time.

Remarks by Assemblyman Gibbons.

Roll call on Senate Bill No. 218:

YEAS—40.

NAYS—Evans, Haller—2.

Senate Bill No. 218 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 435.

The following Senate amendment was read:

Amendment No. 892.

Amend section 1, page 1, line 2, by deleting "[such] *the*" and inserting "the".

Amend section 1, page 1, by deleting lines 6 through 14 and inserting: "principal sum or as specified periodic payments, as appears just and equitable; and

(b) Shall, to the extent practicable, make an equal disposition of the community property of the parties, except that the court may make an unequal disposition of the community property in such proportions as it deems just if the court finds a compelling reason to do so and sets forth in writing the reasons for making the unequal disposition.".

Amend section 1 by deleting lines 18 through 26 on page 1 and lines 1 through 6 on page 2, and inserting:

"(b) Its own motion.] *Except as otherwise provided in this subsection, in granting a divorce, the court shall dispose of any property held in joint tenancy in the manner set forth in subsection 1 for the disposition of community property. If a party has made a contribution of separate property to the acquisition or improvement of property held in joint tenancy, the court may, in its discretion, provide for the reimbursement of that party for his contribution. The amount of reimbursement must not exceed the amount of the contribution of separate property that can be traced to the acquisition or improvement of property held in joint tenancy, without interest or any adjustment because of an increase in the value of the property held in joint tenancy. The amount of reimbursement must not exceed the value, at the time of the disposition, of the property held in joint tenancy for which the contribution of separate property was made. In determining whether to provide for the reimbursement, in whole or in part, of a party who has contributed separate property, the court shall consider:*

(a) The intention of the parties in placing the property in joint tenancy;

(b) The length of the marriage; and

(c) Any other factor which the court deems relevant in making a just and equitable disposition of that property.

As used in this subsection, "contribution" includes a down payment, a payment for the acquisition or improvement of property, and a payment reducing the principal of a loan used to finance the purchase or improvement

of property. The term does not include a payment of interest on a loan used to finance the purchase or improvement of property, or a payment made for maintenance, insurance or taxes on property.".

Amend section 1, page 2, by deleting lines 12 and 13 and inserting: "husband's separate property for the wife's support, the wife's separate property for the husband's support or the separate property of either spouse for".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective at 12:01 a.m. on October 1, 1993.".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 435.

Remarks by Assemblyman Sader.

Motion carried.

The following Senate amendment was read:

Amendment No. 458.

Amend section 1, page 2, line 33, after the period by inserting: "*In addition to any other factors the court considers relevant in determining whether to modify the order, the court shall consider whether the income of the spouse who is ordered to pay alimony, as indicated on the spouse's federal income tax return for the preceding calendar year, has been reduced to such a level that the spouse is financially unable to pay the amount of alimony he has been ordered to pay.*".

Amend the title of the bill, second line, after "tenancy;" by inserting: "requiring a court to consider the income of a spouse who is ordered to pay alimony upon receipt of a motion to modify that order;".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions governing alimony and adjudication of property rights upon divorce. (BDR 11-1448)".

Assemblyman Sader moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 435.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 614.

The following Senate amendment was read:

Amendment No. 1173.

Amend section 1, page 1, line 4, by deleting: "*in conjunction with*" and inserting "*to operate*".

Amend section 1, page 1, line 5, by deleting "*gambling games,*" and inserting: "*a gambling game,*".

Amend sec. 2, page 1, line 21, by deleting "*1992,*" and inserting "*1993,*".

Amend sec. 2, page 2, line 2, by deleting "*1992,*" and inserting "*1993,*".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 614.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 468.

The following Senate amendment was read:

Amendment No. 1028.

Amend section 1, page 2, line 8, by deleting "*may*" and inserting "*shall*".

Amend sec. 3, page 2, by deleting line 24 and inserting: "*unless a public hearing on the proposal is first held before the board of county commissioners and the governing body of the city.*".

Amend sec. 4, page 2, by deleting line 44 and inserting: "librarian [.] *or, in the case of a consolidated library district, an executive director.*".

Amend sec. 4, page 3, by deleting line 7 and inserting "354.603.".

Amend sec. 4, page 3, line 9, by deleting "*approval,*" and inserting "*recommendation,*".

Amend sec. 4, page 3, line 12, by deleting "*year; and*" and inserting: "*year. After the joint review of such a budget, the trustees shall cause copies of the final budget to be submitted to the board of county commissioners for attachment to the copy of the final budget for the county which is filed pursuant to NRS 354.59801, and to the governing body of the city for attachment to the copy of the final budget for the city which is filed pursuant to NRS 354.59801.*".

Amend sec. 4, page 3, by deleting lines 25 through 28 and inserting:

"2. The trustees may:".

Amend sec. 4, page 3, line 36, by deleting "*4.*" and inserting "*3.*".

Amend the bill as a whole by deleting sec. 5.

Amend the title of the bill to read as follows:

"An Act relating to consolidated library districts; providing that the members of the board of trustees of a district may be removed for cause; requiring the appointment of an executive director for each district; requiring a public hearing before a proposal is made by a district to issue bonds; requiring the submission of the budget of a district to the board of county commissioners and governing body of the city for review, recommendation and filing; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "composition" and inserting "duties".

Assemblyman Garner moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 468.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 138.

The following Senate amendment was read:

Amendment No. 1021.

Amend sec. 5, page 1, by deleting line 17 and inserting:

"*(b) During the period from a half hour after school is in operation to a half hour before school is next in operation; or*".

Amend sec. 5, page 1, line 19, by deleting "*class.*" and inserting: "*class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect.*".

Amend sec. 5, page 1, by deleting line 23 and inserting:

"*(b) During the period from a half hour after school is in operation to a half hour before school is next in operation; or*".

Amend sec. 5, page 2, line 2, by deleting "*class.*" and inserting: "*class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect.*".

Amend the bill as a whole by deleting sec. 6 and renumbering sections 7 through 9 as sections 6 through 8.

Amend sec. 9, page 3, by deleting lines 7 and 8 and inserting:

"2. Each local government and the department of transportation, as applicable,".

Assemblyman Garner moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 138.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 432.

The following Senate amendment was read:

Amendment No. 974.

Amend sec. 37, page 11, line 16, by deleting "hearing officer" and inserting "master".

Amend sec. 44, page 13, line 13, by deleting: "36, inclusive, and 38 to".

Amend sec. 44, page 13, by deleting line 15.

Amend sec. 44, page 13, line 16, by deleting "3." and inserting "2.".

Amend sec. 44, page 13, line 20, by deleting "4." and inserting "3.".

Assemblyman Evans moved that the Assembly concur in the Senate amendment to Assembly Bill No. 432.

Remarks by Assemblyman Evans.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 716 be taken from the Chief Clerk's desk and re-referred to the Committee on Commerce.

Motion carried.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 8:10 p.m.

ASSEMBLY IN SESSION

At 8:16 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 375, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 389, 481, 499, 543, 611; Senate Bills Nos. 256, 454, 460, 467, 479, 484, 499, 514, 515, 517, 536, 564; Senate Joint Resolution No. 15; Senate Concurrent Resolution No. 56.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Speaker, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Larry Lampkin, David Haight, Mss. Sonnie Haight and Sue DeChambeau.

On request of Assemblyman Bonaventura, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Conrad Jarreu and Carl Kawafuchi.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Lowell Stark and Mrs. Deanna Stark.

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Carrie Martin, Kathy Martin, Sarah Piccolo, Carol Piccolo and Rocky Connor.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Masters Jeffrey Rahme, Daniel Rahme, Mss. Debbie Rahme, Glee Call and Marilyn Cook.

On request of Assemblyman Petrak, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Joy Wilson and Mr. Dalton Wellman.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Lou Epton.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Wanda McClenaghan.

Assemblyman Porter moved that the Assembly adjourn until Wednesday, June 30, 1993 at 11 a.m.

Motion carried.

Assembly adjourned at 8:17 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-FOURTH DAY

CARSON CITY (Wednesday), June 30, 1993

Assembly called to order at 11:46 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Laughter and tears, success and failure, credits and debits, love and hate, good press and bad. Whew, what a session this has been! May we always be thankful for the experience. Now, Father, please equip us to get back to our other worlds. Bless us in our families and work and friends that they now receive the attention from us that they so richly deserve. We pray in Your Name. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 755, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 174, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which were referred Assembly Concurrent Resolutions Nos. 38, 71, 76, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Concurrent Resolution No. 47, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted, as amended.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Joint Resolution No. 42, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 29, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 152, 153, 320, 333.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 161, 229, 395, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 73 and requests a conference, and appointed Senators James, Titus and McGinness as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 722 and requests a conference, and appointed Senators Townsend, Lowden and Shaffer as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Joint Resolution No. 11 and requests a conference, and appointed Senators Rawson, Smith and Callister as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 361.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 568, 569, 570, 571.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 93, 371, 511.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 60, 229, 361, 541.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Coffin, O'Donnell and Glomb as a first Committee on Conference concerning Senate Bill No. 61.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Glomb, James and Smith as a first Committee on Conference concerning Senate Bill No. 79.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 197 and requests a second conference, and appointed Senators O'Connell, Jacobsen and James as a second Committee on Conference to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 197.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Concurrent Resolution No. 17.

MARY JO MONGELLI
Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Senate Bill No. 375.

Bill read second time and ordered to third reading.

Senate Bill No. 501.

Bill read second time and ordered to third reading.

Senate Bill No. 518.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Senate Bill No. 347 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Freeman.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:54 a.m.

ASSEMBLY IN SESSION

At 12:10 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 66, 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 188, 456, 768, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 789; Senate Bill No. 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ROBERT M. SADER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 38.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

Assembly Concurrent Resolution No. 47.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted, as amended.

Assembly Concurrent Resolution No. 71.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

Assembly Concurrent Resolution No. 76.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 93.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 371.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 511.

Assemblyman Porter moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 568.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 569.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 570.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 571.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 362, 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 409, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

UNFINISHED BUSINESS

Mr. Speaker appointed Assemblymen Price, Sader and Lambert as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Joint Resolution No. 11.

Mr. Speaker appointed Assemblymen Gibbons, Sader and Porter as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 73.

GENERAL FILE AND THIRD READING

Senate Bill No. 347.

Bill read third time.

The following amendment was proposed by Assemblymen Gibbons, Scherer and Carpenter:

Amendment No. 1254.

Amend the bill as a whole by deleting sec. 19 and inserting:

"Sec. 19. (Deleted by amendment.)".

Amend sec. 20, page 3, by deleting lines 43 and 44 and inserting: "*requirements by which the department of motor vehicles and public safety may license:*".

Amend sec. 20, page 3, line 45, by deleting "*(a)*" and inserting "*1.*".

Amend sec. 20, page 4, line 1, by deleting "*(b)*" and inserting "*2.*".

Amend sec. 20, page 4, line 4, by deleting "*(c)*" and inserting "*3.*".

Amend sec. 20, page 4, by deleting lines 7 through 12.

Amend the bill as a whole by deleting sec. 31 and inserting:

"Sec. 31. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 33.5 and inserting:

"Sec. 33.5. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 34.5 and inserting:

"Sec. 34.5. (Deleted by amendment.)".

Amend sec. 35, page 13, line 48, by deleting: "*sections 19 and*" and inserting "*section*".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblymen Gibbons and Sader.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 20.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Assembly Bill No. 20:

YEAS—42.

NAYS—None.

Assembly Bill No. 20 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 662.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Carpenter.

Roll call on Assembly Bill No. 662:

YEAS—42.

NAYS—None.

Assembly Bill No. 662 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 693.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Assembly Bill No. 693:

YEAS—42.

NAYS—None.

Assembly Bill No. 693 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 780.

Bill read third time.

Remarks by Assemblymen Toomin, Perkins, Augustine, Kenny and Ernaut.

Assemblyman Toomin requested that the following remarks be entered in the Journal.

ASSEMBLYMAN TOOMIN:

Thank you, Mr. Speaker. Assembly Bill No. 780 defines public swimming pool as one used selectively by persons for swimming or bathing, regardless of whether a fee is charged. The term does not include a pool of a private residence which is used by a family and invited guests of the owner or authorized resident. The measure clarifies that all public swimming pools must comply with the health and safety regulations. The owner or operator of an existing pool for which a valid permit is in issuance on the bill's effective date is deemed to be in compliance. The owner or operator of a pool for which no valid permit is in issuance is deemed to be in compliance only until October 1, 1994. After that date, the pool may not be operated if the owner or operator is not in actual compliance with health and safety standards. This act is effective on passage and approval.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. To you and through you to the representative from District 15. Is this going to cause retrofitting of any of the pools in the state?

ASSEMBLYMAN TOOMIN:

Thank you, Mr. Speaker. To you and through you to my colleague from Henderson. Yes, it will cause a retrofit for any pools that are not permitted, particularly those pools that are licensed by the State of Nevada as being a child-care facility as a pool in Henderson is deemed to be. The fact of the matter is that Henderson made a drastic mistake, and they have been trying to sweep it under the carpet for almost a year and a half now. I can appreciate the concerns of my colleague from Henderson with regard to the expenditure of a few thousand dollars to bring this pool into compliance with health department codes, but I do not appreciate the lack of concern for the safety of the children using that pool. How can you compare a few thousand dollars with the life of a child?

ASSEMBLYMAN AUGUSTINE:

Thank you, Mr. Speaker. To you and through you to my colleague from Las Vegas, I received a call this morning from the director of Catholic Community Services and they

are in strong opposition to this bill. I was wondering if my colleague can tell me why, since I was not privy to any of the hearings on this bill.

ASSEMBLYMAN TOOMIN:

Thank you, Mr. Speaker. To you and through you to my colleague from District 12, the problem is that Catholic Community Services, who is the proprietor of that home and who is licensed by the state, would have to retrofit the pool to come into compliance with local safety standards.

ASSEMBLYMAN KENNY:

Thank you, Mr. Speaker. To you and through you, can you tell me what issues we are talking about here in terms of retrofitting and the life of a child? I am really a little confused.

ASSEMBLYMAN TOOMIN:

Thank you. To you and through you to my colleague from Clark County, back in January of 1991 the health department found 21 violations of health department codes. Now, if you want me to, I will go to the trouble of reading these all to you, but there are tremendous standards with regard to construction of commercial pools versus residential pools. There is also quite a substantial difference in the cost of constructing a commercial pool versus a residential pool. The primary concern with commercial pools in the application of public safety is the amount of time the water is turned over and filtered. There are a lot of sanitary factors involved, as well. There are safety factors with regard to handrails, certain numbers of skimmers and certain types of filters and pumps. When building a residential pool, the standards are not quite that high.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. To you and through you to my colleague from Clark County, what entities exactly will be affected by this retrofitting. Can you give me a list of those?

ASSEMBLYMAN TOOMIN:

Thank you, Mr. Speaker. To you and through you to my colleague from Northern Nevada, the only entity that we find not in compliance as of this date is the Regina Home for Girls in Henderson. Everybody else is in compliance with local and state health ordinances.

Roll call on Assembly Bill No. 780:

YEAS—25.

NAYS—Augustine, Bache, Carpenter, Ernaut, Giunchigliani, Heller, Hettrick, Humke, Lambert, McGaughey, Marvel, Perkins, Scherer, Segerblom, Smith, Spitler, Tiffany—17.

Assembly Bill No. 780 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 783.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Bill No. 783:

YEAS—37.

NAYS—Ernaut, Gibbons, Heller—3.

Not voting—Carpenter, Hettrick—2.

Assembly Bill No. 783 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 785.
Bill read third time.
Remarks by Assemblyman Sader.
Roll call on Assembly Bill No. 785:
YEAS—41.
NAYS—None.
Not voting—Gibbons.

Assembly Bill No. 785 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 20, 662, 693, 780, 783, 785 be immediately transmitted to the Senate.
Motion carried unanimously.

Assemblyman Porter moved that Assembly Bills Nos. 193, 311, 321, 404, 474, 480, 536, 552, 592, 640, 731, 764, 772, 784; Assembly Joint Resolution No. 6 be placed at the top of the General File.
Motion carried.

Assemblyman Porter moved that Senate Bills Nos. 4, 6, 19, 41, 52, 91, 107, 265, 298, 370, 399, 405, 421, 452, 462, 473, 477, 495, 533, 540; Senate Joint Resolution No. 27 be placed on the General File.
Motion carried.

Assemblyman Porter moved that all rules be suspended and that Assembly Concurrent Resolutions Nos. 38, 47, 71, 76 be immediately transmitted to the Senate.
Motion carried unanimously.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 12:44 p.m.

ASSEMBLY IN SESSION

At 1:08 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Humke moved that Assembly Bill No. 193 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Humke.
Motion carried.

By Assemblymen Myrna Williams, Dini and Marvel:

Assembly Resolution No. 13—Designating certain Assemblymen as regular and alternate members of the Legislative Commission.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That pursuant to the provisions of NRS 218.660 and the joint rules of the Legislature, the following Assemblymen are designated regular and alternate members of the Legislative Commission to serve until their successors are designated: Mr. Joseph E. Dini, Jr., Ms. Christina Giunchigliani, Mr. Gene T. Porter, Mr. Robert M. Sader, Mrs. Joan A. Lambert and Mr. Scott Scherer are designated as the regular Assembly members; Mrs. Marcia D. de Braga and Mr. P. M. Neighbors are designated as the first and second alternate members, respectively, for Mr. Joseph E. Dini, Jr.; Mrs. Myrna T. Williams and Mr. Rick C. Bennett are designated as the first and second alternate members, respectively, for Ms. Christina Giunchigliani; Mr. Robert E. Price and Mr. John B. Regan are designated as the first and second alternate members, respectively, for Mr. Gene T. Porter; Mrs. Vivian L. Freeman and Mr. Bernie Anderson are designated as the first and second alternate members, respectively, for Mr. Robert M. Sader; Mr. James A. Gibbons and Mr. Peter G. Ernaut are designated as the first and second alternate members, respectively, for Mrs. Joan A. Lambert; and Mr. John C. Carpenter and Mr. Lynn C. Hettrick are designated as the first and second alternate members, respectively, for Mr. Scott Scherer.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted.

Assemblyman Price moved that Assembly Bill No. 697 be taken from the Chief Clerk's desk and placed at the top of the General File.

Remarks by Assemblyman Price.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 697.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1258.

Amend sec. 3, page 2, line 4, by deleting "1993." and inserting: "1993, and expires by limitation on July 1, 1995.".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Conflict of interest declared by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 311.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Bill No. 311:

YEAS—40.

NAYS—Gibbons, Hettrick—2.

Assembly Bill No. 311 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 321.

Bill read third time.
Remarks by Assemblyman Humke.
Roll call on Assembly Bill No. 321:
YEAS—42.
NAYS—None.

Assembly Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 404.
Bill read third time.
Remarks by Assemblyman Sader.
Roll call on Assembly Bill No. 404:
YEAS—42.
NAYS—None.

Assembly Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 474.
Bill read third time.
Remarks by Assemblyman Collins.
Roll call on Assembly Bill No. 474:
YEAS—42.
NAYS—None.

Assembly Bill No. 474 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 480.
Bill read third time.
Remarks by Assemblyman Porter.
Roll call on Assembly Bill No. 480:
YEAS—38.
NAYS—Collins, Ernaut—2.
Not voting—Anderson, Sader—2.

Assembly Bill No. 480 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 536.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Assembly Bill No. 536:
YEAS—42.
NAYS—None.

Assembly Bill No. 536 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 552.
Bill read third time.
Remarks by Assemblyman Scherer.
Roll call on Assembly Bill No. 552:
YEAS—42.
NAYS—None.

Assembly Bill No. 552 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 592.
Bill read third time.
Remarks by Assemblyman Ernaut.
Roll call on Assembly Bill No. 592:
YEAS—37.
NAYS—Augustine, Heller, Humke, Scherer—4.
Not voting—Gibbons.

Assembly Bill No. 592 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 640.
Bill read third time.
Remarks by Assemblyman Price.
Roll call on Assembly Bill No. 640:
YEAS—41.
NAYS—Sader.

Assembly Bill No. 640 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 731.
Bill read third time.
Remarks by Assemblymen Price and Scherer.
Roll call on Assembly Bill No. 731:
YEAS—42.
NAYS—None.

Assembly Bill No. 731 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 764.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Assembly Bill No. 764:
YEAS—42.
NAYS—None.

Assembly Bill No. 764 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 772.

Bill read third time.

Assemblyman Porter moved that Assembly Bill No. 772 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assembly Bill No. 784.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Assembly Bill No. 784:

YEAS—42.

NAYS—None.

Assembly Bill No. 784 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 6.

Resolution read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Joint Resolution No. 6:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 6 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 311, 321, 404, 474, 480, 536, 552, 592, 640, 731, 764, 784; Assembly Joint Resolution No. 6 be immediately transmitted to the Senate.

Motion carried unanimously.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Porter, Myrna Williams and Scherer as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 722.

GENERAL FILE AND THIRD READING

Senate Bill No. 106.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Senate Bill No. 106:

YEAS—42.

NAYS—None.

Senate Bill No. 106 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 190.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Senate Bill No. 190:

YEAS—40.

NAYS—Perkins, Porter—2.

Senate Bill No. 190 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 235.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Senate Bill No. 235:

YEAS—42.

NAYS—None.

Senate Bill No. 235 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 236.

Bill read third time.

Remarks by Assemblymen Spitler, Price, Collins and Anderson.

Roll call on Senate Bill No. 236:

YEAS—42.

NAYS—None.

Senate Bill No. 236 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 237.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Senate Bill No. 237:

YEAS—42.

NAYS—None.

Senate Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 376.

Bill read third time.

Remarks by Assemblyman Hettrick.
Roll call on Senate Bill No. 376:
YEAS—42.
NAYS—None.

Senate Bill No. 376 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 391.
Bill read third time.
Remarks by Assemblyman Wendell Williams.
Roll call on Senate Bill No. 391:
YEAS—42.
NAYS—None.

Senate Bill No. 391 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 427.
Bill read third time.
Remarks by Assemblyman Spitler.
Roll call on Senate Bill No. 427:
YEAS—42.
NAYS—None.

Senate Bill No. 427 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 458.
Bill read third time.
Remarks by Assemblyman Neighbors.
Roll call on Senate Bill No. 458:
YEAS—42.
NAYS—None.

Senate Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 470.
Bill read third time.
Remarks by Assemblymen Smith, Carpenter, Humke and Sader.
Roll call on Senate Bill No. 470:
YEAS—41.
NAYS—Carpenter.

Senate Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 471.

Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Senate Bill No. 471:
YEAS—42.
NAYS—None.

Senate Bill No. 471 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 490.
Bill read third time.
Remarks by Assemblymen Freeman and Price.
Roll call on Senate Bill No. 490:
YEAS—42.
NAYS—None.

Senate Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 526.
Bill read third time.
Remarks by Assemblyman Heller.
Roll call on Senate Bill No. 526:
YEAS—42.
NAYS—None.

Senate Bill No. 526 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 551.
Bill read third time.
Remarks by Assemblyman Perkins.
Roll call on Senate Bill No. 551:
YEAS—42.
NAYS—None.

Senate Bill No. 551 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 562.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 562:
YEAS—41.
NAYS—None.
Not voting—Lambert.

Senate Bill No. 562 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 567.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Freeman.

Roll call on Senate Bill No. 567:

YEAS—41.

NAYS—Carpenter.

Senate Bill No. 567 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 327, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 5, which is attached to and hereby made a part of this report.

ROBERT M. SADER	WILLIAM R. O'DONNELL
BERNIE ANDERSON	MARK A. JAMES
JOHN C. CARPENTER	LEONARD V. NEVIN
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 5.

Amend section 1, page 1, line 14, by deleting: "The court [may" and inserting: "[The court may".

Amend section 1, page 1, by deleting lines 16 and 17.

Amend sec. 2, page 2, line 40, by deleting: "The court [may" and inserting: "[The court may".

Amend sec. 2, page 2, line 41, by deleting "*shall*".

Amend sec. 2, page 2, by deleting lines 42 and 43.

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "before or at the time any fine is collected; revising the manner in which any".

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 327.

Remarks by Assemblyman Sader.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 379, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 7, which is attached to and hereby made a part of this report.

VONNE CHOWNING	MARK A. JAMES
BERNIE ANDERSON	LORI LIPMAN BROWN
LYNN HETTRICK	LAWRENCE E. JACOBSEN
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 7.

Amend section 1, page 2, by deleting lines 21 through 23 and inserting: "*material, if the vehicle was sold when new or could have been sold when new with such material as standard or*".

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. Chapter 598 of NRS is hereby amended by adding thereto a new section to read as follows:

It is unlawful for a person, for compensation, to place, install, affix or apply upon the windshield or side or rear window of a motor vehicle any transparent material which alters the color or reduces the light transmission of the windshield or side or rear window unless he displays conspicuously in those areas of his place of business frequented by persons seeking such services a sign, not less than 22 inches by 28 inches in size, setting forth in boldface letters the following:

STATE LAW PROHIBITS THE PLACEMENT OF ANY MATERIAL ON A WINDSHIELD OR SIDE OR REAR WINDOW WHICH ALTERS THE COLOR OR REDUCES THE LIGHT TRANSMISSION OF THE WINDSHIELD OR ANY SIDE OR REAR WINDOW OF A MOTOR VEHICLE, EXCEPT THAT THIS PROHIBITION DOES NOT APPLY TO:

1. A WINDOW THAT IS TO THE IMMEDIATE RIGHT OR LEFT OF THE DRIVER IF THE WINDOW IS:

(A) NONREFLECTIVE; AND

(B) HAS A TOTAL LIGHT TRANSMISSION THROUGH THE COMBINATION, IF ANY, OF TRANSPARENT MATERIAL AND SAFETY GLAZING OF NOT LESS THAN 35 PERCENT WITH A TOLERANCE OF 7 PERCENT.

2. A SIDE WINDOW THAT IS TO THE REAR OF THE DRIVER, OR A REAR WINDOW, IF THE VEHICLE HAS OUTSIDE MIRRORS ON EACH SIDE THAT ARE LOCATED SO AS TO REFLECT TO THE DRIVER A VIEW OF THE HIGHWAY THROUGH EACH MIRROR FOR A DISTANCE OF NOT LESS THAN 200 FEET TO THE REAR OF THE VEHICLE.

3. ANY TRANSPARENT MATERIAL THAT IS INSTALLED, AFFIXED OR APPLIED TO THE TOPMOST PORTION OF THE WINDSHIELD IF:

(A) THE BOTTOM EDGE OF THE MATERIAL IS NOT LESS THAN 29 INCHES ABOVE THE UNDEPRESSED DRIVER'S SEAT WHEN MEASURED FROM A POINT 5 INCHES IN FRONT OF THE BOTTOM OF THE BACKREST WITH THE DRIVER'S SEAT IN ITS REARMOST AND LOWERMOST POSITION WITH THE VEHICLE ON A LEVEL SURFACE; AND

(B) THE MATERIAL IS NOT RED OR AMBER IN COLOR.".

Amend the title of the bill, third line, after "exemptions;" by inserting: "requiring persons who install such material to display conspicuously a notice of the statutory limitations upon the use of such material;".

Assemblyman Spitler moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 379.

Remarks by Assemblyman Spitler.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wendell Williams moved that Senate Bill No. 16 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Wendell Williams.

Motion carried.

Assemblyman Wendell Williams moved that Senate Bill No. 91 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Wendell Williams.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 4.

Bill read third time.

Remarks by Assemblyman Schneider.

Roll call on Senate Bill No. 4:

YEAS—34.

NAYS—Anderson, Carpenter, Gregory, Haller, Humke, Porter, Sader, Spitler—8.

Senate Bill No. 4 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 6.

Bill read third time.

Remarks by Assemblyman Regan.

Roll call on Senate Bill No. 6:

YEAS—42.

NAYS—None.

Senate Bill No. 6 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 19.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Senate Bill No. 19:

YEAS—42.

NAYS—None.

Senate Bill No. 19 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 41.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 41:

YEAS—42.

NAYS—None.

Senate Bill No. 41 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 52.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 52:

YEAS—40.

NAYS—Porter, Myrna Williams—2.

Senate Bill No. 52 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 107.

Bill read third time.

Remarks by Assemblyman Tiffany.

Roll call on Senate Bill No. 107:

YEAS—42.

NAYS—None.

Senate Bill No. 107 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 265.

Bill read third time.

Remarks by Assemblyman Chowning.

Roll call on Senate Bill No. 265:

YEAS—42.

NAYS—None.

Senate Bill No. 265 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 298.

Bill read third time.

Remarks by Assemblyman Haller.

Roll call on Senate Bill No. 298:

YEAS—41.

NAYS—Scherer.

Senate Bill No. 298 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 370.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Senate Bill No. 370:

YEAS—41.

NAYS—None.

Not voting—Evans.

Senate Bill No. 370 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 399.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1301.

Amend sec. 3, page 2, by deleting line 10 and inserting: "*include, without limitation beyond the provisions of this paragraph, the:*".

Amend sec. 3, page 2, between lines 15 and 16, by inserting: "*Supportive personnel shall not in any manner handle drugs listed on schedule II in or pursuant to chapter 453 of NRS.*".

Assemblyman Porter withdrew Amendment No. 1301 to Senate Bill No. 399.

Roll call on Senate Bill No. 399:

YEAS—41.

NAYS—Augustine.

Senate Bill No. 399 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 405.

Bill read third time.

Remarks by Assemblymen Sader, Ernaut, Carpenter, Myrna Williams, Haller and Scherer.

Roll call on Senate Bill No. 405:

YEAS—35.

NAYS—Augustine, Carpenter, Ernaut, Hettrick, Humke, Tiffany—6.

Not voting—Heller.

Senate Bill No. 405 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 421.

Bill read third time.

The following amendment was proposed by Assemblyman Price:

Amendment No. 1298.

Amend the bill as a whole by renumbering sec. 6 as sec. 7 and adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. NRS 202.2491 is hereby amended to read as follows:

202.2491 1. Except as otherwise provided in subsections 5 and 6, the smoking of tobacco in any form is prohibited [if done] in any:

(a) Public elevator.

(b) Public building.

(c) Public waiting room, lobby or hallway of any:

(1) Medical facility or facility for the dependent as defined in chapter 449 of NRS; or

(2) Office of any chiropractor, dentist, physical therapist, physician, podiatrist, psychologist, optician, optometrist, doctor of Oriental medicine or doctor of acupuncture.

(d) Hotel or motel when so designated by the operator thereof.

(e) Public area of a store principally devoted to the sale of food for human consumption off the premises, except in those areas leased to or operated by a person licensed pursuant to NRS 463.160.

(f) Child care facility.

(g) Bus used by the general public, other than a chartered bus, or in any maintenance facility or office associated with a bus system operated by any regional transportation commission.

(h) School bus.

2. The person in control of an area listed in paragraph (c), (d), (e), (f) or (g) of subsection 1:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) May designate separate rooms or portions of the area which may be used for smoking.

3. The person in control of a public building:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) Shall, except as otherwise provided in this subsection, designate a separate area which may be used for smoking.

A school district which prohibits the use of tobacco by pupils need not designate an area which may be used by the pupils to smoke.

4. The operator of a restaurant with a seating capacity of 50 or more shall maintain a flexible nonsmoking area within the restaurant and offer each patron the opportunity to be seated in a smoking or nonsmoking area.

5. A business which derives more than 50 percent of its gross receipts from the sale of alcoholic beverages or 50 percent of its gross receipts from gaming operations may be designated as a smoking area in its entirety by the operator of the business.

6. The smoking of tobacco is not prohibited in:

(a) Any room or area designated for smoking pursuant to paragraph (b) of subsection 2 or paragraph (b) of subsection 3.

(b) A licensed gaming establishment. A licensed gaming establishment may designate separate rooms or areas within the establishment which may or may not be used for smoking.

7. The person in control of a child care facility shall not allow children in any room or area he designates for smoking pursuant to paragraph (b) of subsection 2. Any such room or area must be sufficiently separate or ventilated so that there are no irritating or toxic effects of smoke in the other areas of the facility.

8. As used in this section:

(a) "Child care facility" means an establishment licensed pursuant to chapter 432A of NRS to provide care for 13 or more children.

(b) "Licensed gaming establishment" has the meaning ascribed to it in NRS 463.0169.

(c) "Public building" means any building or office space owned or occupied by:

(1) Any component of the University and Community College System of Nevada and used for any purpose related to the system.

(2) The State of Nevada and used for any public purpose, other than that used by the department of prisons to house or provide other services to offenders.

(3) Any county, city, school district or other political subdivision of the state and used for any public purpose.

If only part of a building is owned or occupied by an entity described in this paragraph, the term means only that portion of the building which is so owned or occupied. *The term includes a building that is owned by an entity described in this paragraph that is leased to a private person.*

(d) "School bus" has the meaning ascribed to it in NRS 483.160.".

Amend the title of the bill, third line, after the semicolon by inserting: "revising the provision restricting smoking in public buildings to specify the effect of leasing such a building;".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblymen Price and Porter.

Amendment lost.

Remarks by Assemblyman Smith.

Roll call on Senate Bill No. 421:

YEAS—39.

NAYS—Collins, Marvel, Porter—3.

Senate Bill No. 421 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 452.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 452:

YEAS—42.

NAYS—None.

Senate Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 462.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Senate Bill No. 462:

YEAS—42.

NAYS—None.

Senate Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 473.
Bill read third time.
Remarks by Assemblyman Spitler.
Roll call on Senate Bill No. 473:
YEAS—41.
NAYS—Collins.

Senate Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 477.
Bill read third time.
Remarks by Assemblyman Scherer.
Roll call on Senate Bill No. 477:
YEAS—42.
NAYS—None.

Senate Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 495.
Bill read third time.
Remarks by Assemblyman Collins.
Roll call on Senate Bill No. 495:
YEAS—42.
NAYS—None.

Senate Bill No. 495 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 533.
Bill read third time.
Remarks by Assemblymen Gibbons and Freeman.
Roll call on Senate Bill No. 533:
YEAS—42.
NAYS—None.

Senate Bill No. 533 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 540.
Bill read third time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 1300.

Amend sec. 2, page 1, line 24, by deleting "*knowing*" and inserting "*willful*".

Assemblyman Gibbons moved the adoption of the amendment.

Remarks by Assemblyman Gibbons.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Joint Resolution No. 27.

Resolution read third time.

Remarks by Assemblyman Augustine.

Roll call on Senate Joint Resolution No. 27:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 27 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 772.

Bill read third time.

The following amendment was proposed by the Committee on Labor and Management:

Amendment No. 1320.

Amend section 1, page 1, by deleting lines 20 through 24 and inserting:

"*(a) The installation requires a local governmental building permit or inspection; and*

(b) The product, material or article is:".

Amend sec. 3, page 4, by deleting lines 5 and 6 and inserting:

"Sec. 3. This act becomes effective on January 1, 1994.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Hettrick.

Amendment adopted on a division of the house.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 16.

Bill read third time.

Remarks by Assemblyman Wendell Williams.

Roll call on Senate Bill No. 16:

YEAS—39.

NAYS—Bache, Scherer, Spitler—3.

Senate Bill No. 16 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bills Nos. 755, 789; Assembly Joint Resolution No. 42 considered engrossed, declared

emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bills Nos. 66, 362, 447, 472, 475 declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Porter moved that Assembly Bills Nos. 188, 409, 456, 768; Senate Bill No. 174 be placed on the Second Reading File.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:02 p.m.

ASSEMBLY IN SESSION

At 3:04 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

REMARKS FROM THE FLOOR

Mr. Speaker requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. I would like to make a few remarks about a distinguished member of our body. As many of you know, I am a classroom teacher, and I am preparing to go to a national convention soon. Among the packets of materials I received as a former director of that association, was some information about a member of our own body. Oftentimes, we neglect to recognize, until the papers or other groups bring it to our attention, some of the accomplishments of some of our own members. If I could take just a few minutes of our time, Mr. Speaker, I wish to recognize the accomplishments of one of my fellow members and distinguished colleague from Assembly District 6, the Chairman of our Education Committee.

On Tuesday, the National Education Association will, in the name of its 2.1 million members, recognize several of the leaders of this nation for their contribution to their communities and the nation as a whole. One of the nine individuals to be so honored is Mr. Williams. Let me remind my fellow members that Mr. Williams is a sixth grade science teacher at Hoggard School in Las Vegas, and as such is considered within our profession to be an exemplary teacher. It is not for his classroom accomplishments that he is receiving this honor, however, but rather as the finest example of leadership which he has demonstrated away from the school and away from the classroom. He has made a difference for the people of Las Vegas and, indeed, a contribution to all of us here in the State of Nevada. First of all, let me remind all of you that Mr. Williams is one of the co-founders of the Dr. Martin Luther King, Jr. Committee which assists senior citizens, sponsors youth groups, gives scholarships and promotes economic development in Las Vegas. The award he will be receiving, the Trenholm Award, and I know Dr. Trenholm and speak well of him, is named for the former Executive Secretary of the American Teachers Association, a predominantly black organization that merged with the National Education Association in 1966. The banquet, which is the keystone to the NEA's annual convention, is held in recognition of the merger of these two large organizations. Eighty

percent of the teachers in the State of Nevada, and in fact, almost all teachers in the United States, belong to this professional association. Most urban areas do not, such as New York City and Chicago. This is predominantly the professional association, in fact the largest professional association in the United States and in the world.

Let me note some of the other prestigious members who will be receiving awards with Mr. Williams. Some of the names you may recognize: Hillary Rodham Clinton for her leadership in women's rights; Claudia de Albuquerque of Fresno, California for leadership for peace and international relationships and understanding; Dr. Carl Downing of Oklahoma City for leadership in resolving social problems related to American Indians; Edward Olmo of Encino for resolving social problems of Hispanics. There are others who know of Mr. Williams' accomplishments, but to me the finest example of what anyone can do is to lead by example. It is that example that is the continuing teaching experience Wendell shows. Thank you, Madam Speaker pro Tempore.

ASSEMBLYMAN PORTER:

Thank you, Madam Speaker pro Tempore. Mr. Anderson and I hoped to have a resolution to present to our colleague today, but because of the crush of bills, we decided not to impose upon the bill drafter or else we would be adopting a resolution to signify the importance of what is taking place here.

On Saturday night our colleague and my roommate, Assemblyman Wendell Williams, at the San Francisco Hilton, is going to receive the most prestigious award that can be bestowed upon an educator in this country. He is receiving the Trenholm Award from the 2.1 million member National Education Association. Madam Speaker pro Tempore, this is not an award that is given out on a routine basis. The members of the educational establishment that have told me the significance of this award have come and said, "I can't believe it. You don't know how difficult it is to be recognized by this body and given this kind of a national award anywhere in the country, let alone a school teacher in Las Vegas who also happens to be a member of this legislature."

I have read books that have been written where my colleague has been quoted for his remarks. I read from them once at a roast for him in his honor in 1989. I said then at his roast, and I will say again now that I always thought I would have to wait until my later years to read about the accomplishments of my friends and colleagues, but at the ripe old age of 36, my roommate and friend has, indeed, proven me wrong. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Madam Speaker pro Tempore. This was a little unexpected, but since we are talking about our colleague, you know, we watch him do his work around these halls very quietly, working hard and going about achieving his goals. I got a big surprise a few years ago. Back home, of course he is just like he is here. He is very active in his community and is a strong advocate for what is right. One of the things he participates in is recognition of young black students who are graduating from high school. I had a young man who grew up helping me in my campaign, and in the year that he graduated he was invited, along with other students, to a church on a Sunday to be honored. He invited me and, of course, I went along. Our colleague was giving the graduation speech with fiery encouragement. I learned at that point in time that we have in hiding among our halls someone who is equal to Jesse Jackson when we start talking about fiery speeches. I had never heard him talk in that manner and that style and give that type of a presentation before, but I can assure all of you in this room that you would be surprised when you hear our colleague really get with it. He was a great inspiration to all of those young people graduating that year, and I am sure has been before and after. He is someone we can be proud to work with.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Madam Speaker pro Tempore. This will be the first convention I will be missing in the last ten years, so I just wanted to express my thanks and pride for my colleague from Assembly District 7. As a fellow teacher, it makes me very proud to serve with him and to have him chairing the Education Committee. I think he has served as a

very, very good role model for the students, not only in his classroom but within the community, especially through the work of the Doolittle Center and other areas. I am sorry I can't be there on Saturday night, but I am very proud of you. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker pro Tempore, I also rise in support of the resolution that we don't have. Wendell is not only my friend, I did not know that he was going to receive this award, but I do know that he is a great orator. Not only that, he is the number one "urban cowboy."

ASSEMBLYMAN BACHE:

Thank you, Madam Speaker pro Tempore. As my colleague from District No. 31 is going to be doing this weekend, I, too, will be in San Francisco and will be having the pleasure of, assuming we are out of here, seeing my colleague receive this high award. Congratulations.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore. I am glad to hear this. I got a tip from one of his roommates a few days ago that this was going to happen. I want to offer my congratulations. Our good friend, Mr. Williams, has demonstrated some exceptional leadership qualities in these legislative halls. He does a fine job as chairman of the Education Committee. He has a fine moral character to demonstrate who the good people are who serve in this house. I want to congratulate you, Wendell, and more success in the education field.

Madam Speaker pro Tempore requested the privilege of the Chair for the purpose of making the following remarks:

I would just like to say that it is a privilege to share the same name, Wendell.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 790—An Act relating to school property; revising the provisions of Assembly Bill No. 543 of this session to require a school district to comply with the requirements of the building code of a city or county; and providing other matters properly relating thereto.

Assemblyman Bennett moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Senate Bills Nos. 106, 190, 235, 236, 237, 376, 391, 427, 458, 470, 471, 490, 526, 551, 562, 567, 4, 6, 19, 41, 52, 107, 265, 298, 370, 399, 405, 421, 452, 462, 473, 477, 495, 533; Senate Joint Resolution No. 27 be immediately transmitted to the Senate.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 188.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1166.

Amend section 1, page 1, line 2, by deleting "and 3" and inserting: "to 5, inclusive,".

Amend the bill as a whole by deleting sections 2 and 3, renumbering sec. 4 as sec. 6 and adding new sections designated sections 2 through 5, following section 1, to read as follows:

Sec. 2. *There shall be struck under the authority of the State of Nevada Silver Gaming Tokens of $5 denomination, each containing one-quarter ounce of fine silver and of the dimensions required by the state gaming control board for $5 tokens. The Nevada Silver Gaming Tokens must bear the Great Seal of the State of Nevada on one side and the words "Contains One-Quarter Ounce Fine Silver," "Five Dollars," "Nevada Silver Gaming Token" and the year of issuance on the other side. No more than 100,000,000 of such tokens may be struck and issued without the prior consent of the legislature. Except as otherwise provided in section 4 of this act, it is unlawful to accept such tokens at any value less than its $5 face value. A token must be accepted as payment for any taxes, dues or fees imposed by the state.*

Sec. 3. *A person holding a valid gaming license issued pursuant to chapter 463 of NRS may purchase Nevada Silver Gaming Tokens. A licensee is entitled to a credit of 25 cents toward present or future gaming license fees for each token purchased.*

Sec. 4. *The state treasurer shall accept Nevada Silver Gaming Tokens in payment of all state taxes, dues or fees. Nevada Silver Gaming Tokens which are given in payment by a person who purchased them pursuant to section 3 of this act must be accepted at a face value of $4.75 until all tax credits claimed by that person have been used.*

Sec. 5. *Any person who counterfeits, forges or utters a Nevada Silver Gaming Tokens shall be punished by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than $50,000, or by both fine and imprisonment.*".

Amend the title of the bill to read as follows:

"An Act relating to state financial administration; directing the issuance of Nevada Silver Gaming Tokens; providing that such tokens must be accepted for taxes, dues or other fees payable to this state; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Directs issuance of Nevada Silver Gaming Tokens. (BDR 31-1094)".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblymen Porter and Ernaut.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 409.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1261.

Amend section 1, page 1, by deleting lines 14 through 19 and inserting:

"4. Whenever a request for the revision of a work program of a department, institution or agency in an amount more than [$2,000] *$5,000* would, when considered with all other changes in allotments for that work program made pursuant to NRS 353.215 and subsections 1, 2 and 3 of this section, increase or decrease by [10] *15* percent or [$25,000,] *$50,000,* whichever is less, the expenditure level approved by the".

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

"Sec. 1.5. NRS 353.224 is hereby amended to read as follows:

353.224 1. A state agency other than the University of Nevada System and vocational licensing boards [may not change] *which changes* a position for which money has been appropriated or authorized from one occupational class to another, as defined by the index developed pursuant to NRS 284.171, [without the approval of] *shall notify* the legislature , *when the legislature is in regular or special session,* or [of] the interim finance committee [.

2. All proposed changes of positions from one occupational class to another must be submitted to the interim finance committee. The interim finance committee has 45 days after a proposal is submitted to its secretary within which to consider it. Any proposed change of a position from one occupational class to another which is not considered within the 45-day period shall be deemed approved.

3. The secretary shall place each request submitted to him pursuant to subsection 2 on the agenda of the next meeting of the interim finance committee.

4. In acting upon a proposed change of position, the interim finance committee shall consider, among other things:

(a) The need for the proposed change; and

(b) The intent of the legislature in approving the existing classification of positions.] , *when the legislature is not in regular or special session, of any such change within 30 days after the change is made.*".

Amend the bill as a whole by deleting sections 3 through 6 and renumbering sec. 7 as sec. 3.

Amend the bill as a whole by deleting the text of repealed sections.

Amend the title of the bill by deleting lines 4 through 7 and inserting: "allowing greater revisions in work programs without approval; requiring notice to the legislature or interim finance committee of certain changes of positions rather than legislative approval of those changes of positions; and providing other matters properly relating thereto.".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 456.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1264.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 6 and 7 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

"Section 1. Chapter 364A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. A person or governmental entity that operates a facility at which one or more trade shows or conventions, or both, are held, is responsible for the payment of the taxes imposed by this chapter on behalf of the persons who do not have a business license issued pursuant to this chapter but who take part in the trade show or convention for a purpose related to the conduct of a business.*

2. The taxes due pursuant to subsection 1 must be calculated, reported and paid separately from any taxes otherwise due from the operator of the facility pursuant to this chapter.

3. The operator of the facility shall pay:

(a) An amount equal to the product of the total number of businesses taking part in the trade show or the convention multiplied by the number of days on which the trade show or convention is held, multiplied in turn by $1.25 for each trade show or convention that is held in the facility; or

(b) An annual fee of $5,000 to the department on or before July 1 for the fiscal year beginning on that day.

4. If the operator of a facility at which a trade show or convention is held has not paid the fee provided in paragraph (b) of subsection 3, he shall file a return on a form prescribed by the department and remit the tax pursuant to paragraph (a) of subsection 3 for each quarter in which a trade show or convention is held.

5. The commission shall adopt such regulations as it deems necessary to carry out the provisions of this section.

Sec. 3. *1. The division of motion pictures of the commission on economic development, as an agent of the department of taxation, shall collect the tax imposed by this chapter from those businesses that engage in the business of creating or producing motion pictures, as that term is defined in NRS 231.020, that are not residents or do not have a permanent place of business in Nevada. All taxes collected by the division of motion pictures must be immediately forwarded to the department upon receipt.*

2. The tax must be calculated upon the number of employees and hours worked in this state, but a person who conducts a business described in subsection 1 need not obtain a business license under this chapter.

Sec. 4. NRS 364A.020 is hereby amended to read as follows:

364A.020 1. "Business" includes:

(a) A corporation, partnership, proprietorship, business association and any other similar organization that conducts an activity for profit; [and]

(b) The activities of a natural person which are deemed to be a business pursuant to NRS 364A.120 [.] *; and*

(c) A trade show or convention held in this state in which a business described in paragraph (a) or (b) takes part, or which a person who conducts such a business attends, for a purpose related to the conduct of the business.

2. The term includes an independent contractor.

3. The term does not include:

(a) A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c); or

(b) A governmental entity.

Sec. 5. NRS 364A.130 is hereby amended to read as follows:

364A.130 1. [A] Except as otherwise provided in subsection 6, a person shall not conduct a business in this state unless he has a business license issued by the department.

2. The application for a business license must:

(a) Be made upon a form prescribed by the department;

(b) Set forth the name under which the applicant transacts or intends to transact business and the location of his place or places of business;

(c) Declare the estimated number of employees for the previous calendar quarter;

(d) Be accompanied by a fee of $25; and

(e) Include any other information that the department deems necessary.

3. The application must be signed by:

(a) The owner, if the business is owned by a natural person;

(b) A member or partner, if the business is owned by an association or partnership; or

(c) An officer or some other person specifically authorized to sign the application, if the business is owned by a corporation.

4. If the application is signed pursuant to paragraph (c) of subsection 3, written evidence of the signer's authority must be attached to the application.

5. For the purposes of this chapter, a person shall be deemed to conduct a business in this state if a business for which the person is responsible:

(a) Is incorporated pursuant to chapter 78 or 78A of NRS;

(b) Has an office or other base of operations in this state; or

(c) Pays wages or other remuneration to a natural person who performs in this state any of the duties for which he is paid.

6. A person who takes part in a trade show or convention held in this state for a purpose related to the conduct of a business is not required to obtain a business license specifically for that event.".

Amend section 1, page 1, line 14, by deleting the comma and inserting: "[,] *and section 2 of this act,*".

Amend sec. 2, pages 3 and 4, by deleting lines 47 and 48 on page 3 and lines 1 through 9 on page 4 and inserting: "out the provisions of this subsection.] *The total number of equivalent full-time employees employed by a business in a quarter must be calculated by dividing the total number of hours all employees have worked during the quarter by 468.*

2. To determine the total number of hours all employees have worked during the quarter, the business must add the total number of hours worked by full-time employees based in this state during the quarter to the total number of hours worked by part-time employees based in this state during the quarter and to the total number of hours worked in this state by employees described in subsection 5. A "full-time employee" is a person who is employed to work at least 36 hours per week. All other employees are part-time employees. An occasional reduction in the number of hours actually worked in any week by a particular employee, as the result of sickness, vacation or other compensated absence, does not affect his status for the purposes of this section if his regular hours of work are 36 or more per week. All hours for which a part-time employee is paid must be included.

3. The total number of hours worked by full-time employees of a business during the quarter may be calculated by:

(a) Determining from the records of the business the number of hours each full-time employee has worked during the quarter up to a maximum of 468 hours per quarter and totaling the results; or

(b) Multiplying 7.2 hours by the number of days each full-time employee was employed by the business up to a maximum of 65 days per quarter and totaling the results.

4. The total number of hours worked by part-time employees of a business during the quarter must be calculated by determining from the records of the business the number of hours each part-time employee has worked during the quarter and totaling the results.

5. To determine the total number of hours all employees have worked during the quarter, in the case of a business which employs a natural person at a base or business location outside Nevada, but directs that person to perform at least some of his duties in Nevada, the calculation must include the total number of hours actually worked by that person in Nevada during the quarter. To calculate the number of hours worked in Nevada, the formula in paragraph (b) of subsection 3 must be used for full-time employees, and the formula in subsection 4 must be used for part-time employees.".

Amend the bill as a whole by renumbering sec. 3 as sec. 10 and adding a new section designated sec. 9, following sec. 2, to read as follows:

"Sec. 9. A person or governmental entity that operates a facility at which one or more trade shows or conventions, or both, are held must not be required to comply with the provisions of paragraph (b) of subsection 3 of section 2 of this act for the last half of fiscal year 1993-1994 if the person or entity pays a fee of $2,500 to the department on or before January 7, 1994.".

Amend sec. 3, page 4, line 10, by deleting: "on July 1, 1993" and inserting: "upon passage and approval for the purpose of adopting regulations and on January 1, 1994, for all other purposes.".

Amend the title of the bill to read as follows:

"An Act relating to the business tax; changing the basis on which the tax is calculated; requiring facilities which hold trade shows and conventions to pay the tax on behalf of businesses whose only contact with Nevada is such a show or convention; and providing other matters properly relating thereto.".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 768.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1168.

Amend section 1, page 1, by deleting lines 1 through 20 and inserting:

"Section 1. NRS 361.076 is hereby amended to read as follows:

361.076 1. All property, both real and personal, is exempt from taxation *as set forth in this section* to the extent that the property is used as [an] *:*

(a) An active system to utilize solar energy [.] *; or*

(b) A facility for the production of electrical energy from recycled material.

If such a system is installed in a building used primarily for another purpose, any value added by the system to the building must be excluded from the assessed value of the building.

2. *Personal property exempted pursuant to subsection 1 may not receive an exemption for more than 15 consecutive years. Real property exempted pursuant to subsection 1 may not receive an exemption for more than 25 consecutive years.*

3. As used in this section [, an] *:*

(a) An "active system to utilize solar energy" is one which uses solar devices thermally isolated from the area where the energy is used and includes all the equipment used to collect and store solar energy, and to convert this energy into electricity, if the energy is used for:

[(a)] *(1)* Heating water for domestic, recreational, therapeutic or commercial use;

[(b)] *(2)* Heating or cooling air;

[(c)] *(3)* Production of electricity;

[(d)] *(4)* Industrial heating; or

[(e)] *(5)* Mechanical energy.

(b) A "facility for the production of electrical energy from recycled material" is a facility which uses recycled material as its primary fuel including material from:

(1) Industrial or domestic waste, other than hazardous waste, even though it includes a product made from oil, natural gas or coal, such as plastics, asphalt shingles or tires;

(2) Agricultural crops, whether terrestrial or aquatic, and agricultural waste, such as manure and residue from crops; and

(3) Municipal waste, such as sewage and sludge.

The term includes all the equipment in the facility used to process and convert into electricity the energy derived from a recycled material fuel.".

Amend sec. 2, page 1, line 21, by deleting "1," and inserting "2,".

Amend the title of the bill to read as follows:

"An Act relating to taxation; providing for an exemption for property used for a facility for the production of electrical energy from recycled material; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides exemption from property tax for property used for facility for production of electrical energy from recycled material. (BDR 32-1894)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 174.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1259.

Amend section 1, page 1, line 8, by deleting "*any person*" and inserting: "*any employee of the state or local government thereof*".

Amend the bill as a whole by deleting sec. 2 and inserting:

"Sec. 2. (Deleted by amendment.)".

Amend sec. 4, page 3, by deleting line 25 and inserting: "taken. The minutes shall be deemed to have permanent value and must be retained by the public body for at least 5 years. Thereafter, the minutes may be transferred for archival preservation in accordance with NRS 239.080 to 239.125, inclusive.".

Amend sec. 5, page 4, line 2, by deleting "Special" and inserting "[Special] *Emergency*".

Amend sec. 5, page 4, line 5, by deleting "[3] *5*" and inserting "3".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Porter moved that Senate Bill No. 174 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that the Assembly recess until 4:30 p.m.

Motion carried.

Assembly in recess at 3:28 p.m.

ASSEMBLY IN SESSION

At 6:38 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bill No. 219; Senate Bills Nos. 527, 553, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 322, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 570, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 415, 497, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 790, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Senate Bills Nos. 198, 213, 545, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 513, 681, 745; Senate Bill No. 247, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 641, 787, 788.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 84.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 221, 381, 542, 544, 552, 563.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 411, 413, 429, 430, 550, 554.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 35, 43, 46, 52, 55.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Garner moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 790 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Neighbors moved that Assembly Bill No. 699 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 790.

Remarks by Assemblyman Neighbors.

Motion carried.

Assemblyman Bennett moved that Senate Bill No. 174 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Bennett.

Motion carried.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 375 declared an emergency measure under the Constitution and placed on third reading and final passage immediately following Senate Bill No. 475.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Senate Concurrent Resolution No. 35:

Assemblyman Porter moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Concurrent Resolution No. 43:

Assemblyman Porter moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Concurrent Resolution No. 46:

Assemblyman Porter moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Concurrent Resolution No. 52:

Assemblyman Porter moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Concurrent Resolution No. 55:

Assemblyman Porter moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 221.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 381.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 542.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 544.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 552.

Assemblyman Porter moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 563.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 174.

Bill read second time.

The following amendment was proposed by Assemblyman de Braga:

Amendment No. 1260.

Amend sec. 4, page 3, line 47, by deleting "*4.*" and inserting: "*2 relating to records of closed meetings. Any record made pursuant to this subsection must be made available to the attorney general upon request.*".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblymen de Braga, Myrna Williams and Kenny.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 568, 569, 571, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 790.

Bill read third time.

Remarks by Assemblyman McGaughey.

Roll call on Assembly Bill No. 790:

YEAS—39.

NAYS—Giunchigliani, Myrna Williams—2.

Absent—Haller.

Assembly Bill No. 790 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 699.

Bill read third time.

The following amendment was proposed by Assemblyman Neighbors:

Amendment No. 1318.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sec. 3 as section 1.

Amend sec. 3, page 3, by deleting lines 9 and 10 and inserting: "shall appoint district library trustees, levy a tax subject to the limitations of NRS 354.59811 upon all taxable property in the districts pursuant to the budget submitted by the trustees and approved by the board of county commissioners pursuant to NRS 354.596 and 354.598, and otherwise".

Amend the title of the bill by deleting the first and second lines and inserting: "An Act relating to libraries; requiring specially the creation of county".

Amend the summary of the bill by deleting "(BDR 33-1593)" and inserting "(BDR S-1593)".

Assemblyman Neighbors moved the adoption of the amendment.

Remarks by Assemblyman Neighbors.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 755.

Bill read third time.
Remarks by Assemblyman Ernaut.
Roll call on Assembly Bill No. 755:
YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 755 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 789.
Bill read third time.
Remarks by Assemblyman Sader.
Roll call on Assembly Bill No. 789:
YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 789 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 42.
Resolution read third time.
Remarks by Assemblyman Myrna Williams.
Roll call on Assembly Joint Resolution No. 42:
YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Joint Resolution No. 42 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Bill No. 66.
Bill read third time.
Remarks by Assemblyman Wendell Williams.
Roll call on Senate Bill No. 66:
YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 362.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 362:
YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 447.

Bill read third time.

Remarks by Assemblyman Collins.

Roll call on Senate Bill No. 447:

YEAS—38.

NAYS—Regan, Scherer—2.

Absent—Haller.

Not voting—Anderson.

Senate Bill No. 447 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 472.

Bill read third time.

Remarks by Assemblyman Petrak.

Roll call on Senate Bill No. 472:

YEAS—41.

NAYS—None.

Absent—Haller.

Senate Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 475.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 475:

YEAS—41.

NAYS—None.

Absent—Haller.

Senate Bill No. 475 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 375.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Senate Bill No. 375:

YEAS—40.

NAYS—None.

Absent—Haller.

Not voting—Porter.

Senate Bill No. 375 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 219 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bills Nos. 198, 213, 371, 527, 545, 553, 568, 569, 570, 571 declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 722, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

GENE T. PORTER	RANDOLPH J. TOWNSEND
MYRNA T. WILLIAMS	SUE LOWDEN
SCOTT SCHERER	RAYMOND C. SHAFFER
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Porter moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 722.

Remarks by Assemblyman Porter.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 201, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

MORSE ARBERRY, JR.	SUE LOWDEN
MYRNA T. WILLIAMS	LORI LIPMAN BROWN
KATHY M. AUGUSTINE	MIKE MCGINNESS
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Arberry moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 201.

Remarks by Assemblyman Arberry.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 103.

The following Senate amendments were read:

Amendment No. 818.

Amend sec. 2, page 2, line 22, after "*sale*" by inserting: "*or the storage, use or other consumption*".

Amend sec. 2, page 2, line 26, by deleting the italicized period and inserting: "*if the contract or binding bid does not contain a provision which allows the contractor to recover any additional taxes he is required to pay pursuant to the ordinance.*".

Amendment No. 1137.

Amend section 1, page 1, line 11, by deleting "*primary or*".

Amend section 1, page 1, line 15, by deleting "*primary or*".

Amend the title of the bill, sixth line, by deleting "primary or".

Amendment No. 1214.

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. Section 70 of Assembly Bill No. 531 of this session is hereby amended to read as follows:

Sec. 70. NRS 377A.020 is hereby amended to read as follows:

377A.020 1. The board of county commissioners of any county may enact an ordinance imposing a tax for public mass transportation and construction of public roads pursuant to NRS 377A.030. The board of county commissioners of any county whose population is less than 400,000 may enact an ordinance imposing a tax to promote tourism pursuant to NRS 377A.030.

2. An ordinance enacted pursuant to this chapter may not become effective before a question concerning the imposition of the tax is approved by a majority of the registered voters of the county voting upon the question which the board may submit to the voters at any general *or special* election. A county may combine the question for mass transportation and public roads with questions submitted pursuant to NRS 244.3351, 278.710, 365.203, 371.045 or 373.030, or any combination thereof. The board shall also submit to the voters at a general election any proposal to increase the rate of the tax or change the previously approved uses for the proceeds of the tax.

3. *A special election may be held only if the board of county commissioners determines, by a unanimous vote, that an emergency exists. The determination made by the board is conclusive unless it is shown that the board acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the board must be commenced within 15 days after the board's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the board of county commissioners to prevent or mitigate a substantial financial loss to the county or to enable the board to provide an essential service to the residents of the county.*

4. Any ordinance enacted pursuant to this section must specify the date on which the tax must first be imposed or on which an increase in the rate of the tax becomes effective, which must not be earlier than the first day of the second calendar month following the approval of the question by the voters.".

Assemblyman Price moved that the Assembly concur in the Senate amendments to Assembly Bill No. 103.

Remarks by Assemblyman Price.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 395.

The following Senate amendment was read:

Amendment No. 1138.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 5 and 6 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. NRS 349.015 is hereby amended to read as follows:

349.015 1. Except as otherwise provided in subsection 3, the sample ballot required to be mailed pursuant to NRS 293.565 and the notice of election must contain:

(a) The time and places of holding the election.

(b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.

(c) The purposes for which the bonds are to be issued.

(d) A disclosure of any:

(1) Future increase or decrease in costs which can reasonably be anticipated in relation to the purposes for which the obligations are to be issued and its probable effect on the tax rate; and

(2) Requirement relating to the bond question which is imposed pursuant to a court order or state or federal statute and the probable consequences which will result if the bond question is not approved by the voters.

(e) *An estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds.*

(f) The maximum amount of the bonds.

[(f)] *(g)* The maximum rate of interest.

[(g)] *(h)* The maximum number of years which the bonds are to run.

2. Any election called pursuant to NRS 349.010 to 349.070, inclusive, may be consolidated with a general election.

3. If the election is consolidated with a general election, the notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the general election.

Sec. 2. Chapter 350 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any requirements imposed pursuant to NRS 350.024, any sample ballot required to be mailed pursuant to NRS 293.565 and any notice of election, for an election that includes a proposal for the issuance by any municipality of any bonds or other securities, including an election that is not called pursuant to NRS 350.020 to 350.070, inclusive, must contain an estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds or other securities.

2. For the purposes of this section, "municipality" has the meaning ascribed to it in NRS 350.538.

Sec. 3. NRS 350.024 is hereby amended to read as follows:

350.024 1. Except as otherwise provided in subsection 2, the sample ballot required to be mailed pursuant to NRS 293.565 and the notice of election must contain:

(a) The time and places of holding the election.

(b) The hours during the day in which the polls will be open, which must be the same as provided for general elections.

(c) The purposes for which the obligations are to be issued or incurred.

(d) A disclosure of any:

(1) Future increase or decrease in costs which can reasonably be anticipated in relation to the purposes for which the obligations are to be issued or incurred and its probable effect on the tax rate; and

(2) Requirement relating to the proposal which is imposed pursuant to a court order or state or federal statute and the probable consequences which will result if the bond question is not approved by the voters.

(e) The maximum amount of the obligations.

(f) The maximum number of years which the obligations are to run.

(g) An estimate of the tax rate necessary to provide for debt service upon the obligations for each date when they are to be issued or incurred. The county assessor shall, for each such date, estimate the assessed value of the property against which the obligations are to be issued or incurred, and the governing body shall estimate the tax rate based upon the assessed value of the property as given in the assessor's estimates.

2. Any election called pursuant to NRS 350.020 to 350.070, inclusive, *and section 2 of this act,* may be consolidated with a general election. If the election is consolidated with the general election, a primary election or a municipal election, the notice of election need not set forth the places of holding the election, but may instead state that the places of holding the election will be the same as those provided for the election with which it is consolidated.

3. If the election is a special election, the clerk shall cause notice of the close of registration to be published in a newspaper printed in and having a general circulation in the municipality once in each calendar week for two successive calendar weeks next preceding the close of registration for the election.

Sec. 4. Chapter 539 of NRS is hereby amended by adding thereto a new section to read as follows:

The notice of election for any election held pursuant to this chapter which includes a proposal for the issuance of any bonds or other securities must, in addition to any other requirements of this chapter, contain an estimate of the annual cost to operate, maintain and repair any buildings, structures or other facilities or improvements to be constructed or acquired with the proceeds of the bonds or other securities.".

Amend the title of the bill by deleting the first line and inserting:

"An Act relating to public finances; requiring the inclusion of certain information in a notice of an election for the issuance of bonds; establishing the maximum rate of the ad valorem tax".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to capital improvements financed by taxes ad valorem. (BDR 30-875)".

Assemblyman Price moved that the Assembly concur in the Senate amendment to Assembly Bill No. 395.

Remarks by Assemblyman Price.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 229.

The following Senate amendment was read:

Amendment No. 1218.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 62 of NRS is hereby amended by adding thereto a new section to read as follows:

1. When a child applies for a driver's license, the department of motor vehicles and public safety shall notify the child of the provisions of NRS 62.226.

2. After providing the notice pursuant to subsection 1, the department shall require the child to sign an affidavit acknowledging that he is aware that his driver's license may be suspended pursuant to NRS 62.226.".

Amend section 1, page 2, by deleting line 16 and inserting:

"*(c) Require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of section 3 of Senate Bill No. 193 of this session*".

Amend the bill as a whole by deleting sec. 3.

Amend the bill as a whole by adding new sections designated sections 6 and 7, following sec. 5, to read as follows:

"Sec. 6. Section 3 of Senate Bill No. 193 of this session is hereby amended to read as follows:

Sec. 3. The department shall by regulation:

1. [Set] *Except as otherwise provided in subsection 4 of NRS 62.226, set* forth any tests and other requirements which are a condition for the reinstatement of a license after any suspension, revocation, cancellation or voluntary surrender of the license. The tests and requirements:

(a) Must provide for a fair evaluation of a person's ability to operate a motor vehicle; and

(b) May allow for the waiver of certain tests or requirements as the department deems necessary.

2. Set forth the circumstances under which the administrator may, for good cause shown, rescind the revocation, suspension or cancellation of a license, or shorten the period for the suspension of a license.

Sec. 7. Section 6 of this act becomes effective at 12:01 a.m. on October 1, 1993.".

Assemblyman Spitler moved that the Assembly concur in the Senate amendment to Assembly Bill No. 229.

Remarks by Assemblyman Spitler.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 430.

The following Senate amendment was read:

Amendment No. 783.

Amend sec. 14, page 2, by deleting lines 45 through 47 and inserting:

"Sec. 14. *"Mooring buoy" means a float:*

1. Which is anchored to the bed of a navigable body of water; and

2. To which a vessel is fastened through the use of cables, lines, ropes or anchors for the purpose of maintaining the vessel in a stationary position in the water.".

Amend sec. 23, page 4, line 7, by deleting "*The state*" and inserting: "*Except as otherwise provided by specific statute, the state*".

Amend the bill as a whole by adding a new section designated sec. 25.5, following sec. 25, to read as follows:

"Sec. 25.5. *The state land registrar shall not charge any fee pursuant to sections 21 to 24, inclusive, of this act, for the assignment of any land or interest in land, pursuant to NRS 321.003, to a state agency for use and administration.*".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 430.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 161.

The following Senate amendment was read:

Amendment No. 1085.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

The governing body of a city or county may not require the minimum size of a mobile home lot that is individually owned to be larger than the minimum size of a mobile home lot that is leased to a tenant.".

Amend the title of the bill, third line, after "parks;" by inserting: "prohibiting a city or county from requiring a mobile home lot that is individually owned to be larger than a mobile home lot that is leased to a tenant;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes to provisions governing mobile home parks. (BDR 10-893)".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 161.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 661.

The following Senate amendment was read:

Amendment No. 1139.

Amend the bill as a whole by renumbering sections 2 through 11 as sections 3 through 12 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 467.055 is hereby amended to read as follows:

467.055 1. Members of the commission, if authorized by the chairman, are entitled to receive a salary of not more than $80, as fixed by the commission, for each full-day meeting of the commission.

2. While engaged in the business of the commission, each member and employee of the commission is, upon the authorization of the chairman, entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

3. The executive director of the commission is in the unclassified service of the state. He [shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.] *may pursue any other business or occupation not inconsistent or in conflict with his duties as executive director.*

4. Each inspector for the commission is entitled to receive for the performance of his duties a fee approved by the commission.".

Amend sec. 9, page 3, by deleting lines 31 and 32 and inserting: "not to exceed [$100,000] *$250,000*, the commission may reinstate a revoked license.".

Amend sec. 9, page 3, by deleting lines 35 and 36 and inserting: "penalty not to exceed [$100,000.] *$250,000.*".

Amend sec. 9, page 3, between lines 44 and 45 by inserting:

"*4. If a penalty is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the commission.*".

Amend sec. 10, page 3, line 45, by deleting "is" and inserting: "and section 30 of Assembly Bill No. 235 of this session are".

Amend the bill as a whole by deleting the text of repealed section and adding the text of repealed sections, following sec. 11, to read as follows:

"TEXT OF REPEALED SECTIONS

467.103 Licenses for referee and physician to officiate at amateur contest or exhibition. The commission may issue licenses without fees to referees and physicians authorizing them to officiate only at a contest or exhibition of unarmed combat between amateurs.

Section 30 of Assembly Bill No. 235 of this session:

Sec. 30. NRS 467.158 is hereby amended to read as follows:

467.158 1. Except as otherwise provided in subsection 3, upon receipt of an application and the payment of a penalty prescribed by the commission, not to exceed [$100,000,] *$250,000,* the commission may reinstate a revoked license.

2. Except as otherwise provided in subsection 3, in lieu of revoking a license, as provided for in this chapter, the commission may prescribe a penalty not to exceed [$100,000.] *$250,000.*

3. If the revocation or proposed revocation relates to:

(a) The preparation for a contest or an exhibition of unarmed combat;

(b) The occurrence of a contest or an exhibition of unarmed combat; or

(c) Any other action taken in conjunction with a contest or an exhibition of unarmed combat,

the commission may prescribe a penalty not to exceed [$100,000] *$250,000* or 10 percent of the purse for that contest or exhibition, whichever amount is greater.

4. If a penalty is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the commission.".

Amend the title of the bill, first line, after "combat;" by inserting: "removing the executive director of the Nevada athletic commission from the unclassified service of the state and authorizing him to pursue certain other businesses and occupations;".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 661.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 386.

The following Senate amendments were read:

Amendment No. 440.

Amend the bill as a whole by renumbering sec. 5 as sec. 6 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. 1. Notwithstanding the provisions of section 4 of Senate Bill No. 97 of this session, the state controller shall transfer the following amounts from the solid waste management account in the state general fund to the department of taxation:

(a) After complying with the provisions of section 4 of this act, the next $32,081 credited to the account in fiscal year 1993-1994 must be transferred to the department.

(b) The first $16,176 credited to the account in fiscal year 1994-1995 must be transferred to the department.

The money transferred pursuant to this subsection must not be considered in determining the amounts of allocations made from the account pursuant to section 4 of Senate Bill No. 97 of this session.

2. The money transferred pursuant to subsection 1 must be used by the department of taxation for the administration and collection of the fee imposed pursuant to NRS 444A.090.

3. Any balance of the money transferred pursuant to subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the solid waste management account in the state general fund as soon as all payments of money committed have been made.".

Amendment No. 1113.

Amend section 1, page 2, between lines 6 and 7, by inserting:

"*5. The fee imposed pursuant to subsection 1 does not apply to any tire included in the sale of a new or used vehicle unless the tire is sold in a separate transaction.*".

Assemblyman Arberry moved that the Assembly concur in the Senate amendments to Assembly Bill No. 386.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 513, 681, 745; Senate Bills Nos. 247, 322, 398, 415, 497 be placed on the Second Reading File.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:23 p.m.

ASSEMBLY IN SESSION

At 7:35 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Concurrent Resolution No. 67, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which were referred Senate Concurrent Resolutions Nos. 43, 46, 52, 55, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MYRNA T. WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 43.
Assemblyman Porter moved the adoption of the resolution.
Remarks by Assemblyman Porter.
Resolution adopted.

Senate Concurrent Resolution No. 46.
Assemblyman Porter moved the adoption of the resolution.
Remarks by Assemblyman Porter.
Resolution adopted.

Senate Concurrent Resolution No. 52.
Assemblyman Porter moved the adoption of the resolution.
Remarks by Assemblymen Porter, Bache and Giunchigliani.
Resolution adopted.

Senate Concurrent Resolution No. 55.
Assemblyman Porter moved the adoption of the resolution.
Remarks by Assemblyman Porter.
Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 513.
Bill read second time.
The following amendment was proposed by the Committee on Commerce:
Amendment No. 1277.
Amend section 1, page 1, line 2, by deleting "5," and inserting "5.7,".
Amend the bill as a whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:
"Sec. 3.5. *"Plan of care" means the plan and goals of treatment and care that the physical therapist develops for a patient.*".
Amend the bill as a whole by adding new sections designated sections 5.3, 5.5 and 5.7, following sec. 5, to read as follows:
"Sec. 5.3. *A physical therapist's assistant:*
1. Shall not perform any activity which requires the unique skill, knowledge or judgment of a physical therapist and may be subject to disciplinary action for performing any such activity, regardless of whether the activity was delegated to him by a physical therapist.
2. May provide treatment to a patient in the home of the patient if the physical therapist's assistant has at least 1 year of experience under the direct supervision of a physical therapist.
Sec. 5.5. *1. A physical therapist's assistant who provides treatment to a patient in the home of the patient must be supervised by a physical therapist in the manner provided in this section. The supervising physical therapist shall:*
(a) Perform the initial visit with and evaluation of the patient.
(b) Accompany the physical therapist's assistant the first time the assistant provides treatment in the home of the patient.

(c) Be accessible for communication by telephone at the time the physical therapist's assistant treats the patient.

(d) Conduct a supervisory conference with the physical therapist's assistant to discuss the status of the patient and the goals and necessary modifications of treatment at least once after every five treatments by the assistant or once every 2 weeks, whichever occurs first.

(e) Provide the required treatment and re-evaluate the patient at least every sixth treatment or every 2 weeks, whichever occurs first.

2. A physical therapist who supervises a physical therapist's assistant who provides treatment to a patient in the home of a patient shall record each of his evaluations of the patient. The record must at least:

(a) Provide a functional assessment of the patient in his home.

(b) Review the activities that the patient performs in his home.

(c) Reassess the plan of care; and

(d) Reassess the use of other resources by the physical therapist's assistant.

Sec. 5.7. *A physical therapist shall:*

1. Interpret the record of each patient who is referred to the physical therapist by a provider of health care.

2. Perform the initial evaluation of the patient.

3. Develop a plan of care for the patient based upon the initial evaluation. The plan of care must include the goals of the treatment.

4. Determine the appropriate portion of the treatment authorized by the plan of care to delegate to a physical therapist's assistant, and delegate such treatment to the physical therapist's assistant.

5. Instruct the physical therapist's assistant regarding:

(a) The treatment authorized by the plan of care;

(b) Precautions necessary to protect the patient;

(c) Any special problems of the patient;

(d) Procedures which should not be performed on the patient; and

(e) Any other information that is necessary for the treatment of the patient.

6. Review the treatment authorized by the plan of care regularly.

7. Revise the plan of care when necessary.

8. Disseminate any written and oral reports to the appropriate persons.

9. Perform the final evaluation to terminate the treatment of the patient unless the patient or referring provider of health care terminates the treatment.".

Amend sec. 6, page 2, line 2, by deleting: "*2 and 3*" and inserting: "*2, 3 and 3.5*".

Amend the bill as a whole by adding a new section designated sec. 12.5, following sec. 12, to read as follows:

"Sec. 12.5. NRS 640.160 is hereby amended to read as follows:

640.160 1. The board, after [due] notice and *a* hearing, and upon any ground enumerated in subsection 2, may take one or more of the following actions:

(a) Refuse to issue a license or temporary license to any applicant.

(b) Refuse to renew the license or temporary license of any person.

(c) Suspend or revoke the license or temporary license of any person.

(d) Place any person who has been issued a license or temporary license on probation.

(e) Impose an administrative fine which does not exceed $5,000 on any person who has been issued a license.

(f) Require any person who has been issued a license to pay all costs incurred by the board relating to the discipline of the person.

2. The board may take action pursuant to subsection 1 if an applicant or person who has been licensed pursuant to this chapter:

(a) Is habitually drunk or is addicted to the use of a controlled substance.

(b) Has been convicted of violating any state or federal law relating to controlled substances.

(c) Is, in the judgment of the board, guilty of immoral or unprofessional conduct.

(d) Has been convicted of any crime involving moral turpitude.

(e) Has been convicted of violating any provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of [this act.] *Senate Bill No. 316 of this session.*

(f) Is guilty, in the judgment of the board, of gross negligence in his practice as a physical therapist which may be evidenced by claims of malpractice settled against a practitioner.

(g) Has obtained or attempted to obtain a license by fraud or material misrepresentation.

(h) Has been declared insane by a court of competent jurisdiction and has not thereafter been lawfully declared sane.

(i) Has entered into any contract or arrangement which provides for the payment of an unearned fee to any person following his referral of a patient.

(j) Has employed as a physical therapist any unlicensed physical therapist or physical therapist whose license has been suspended.

(k) *Has delegated to a person who is not a physical therapist any activity or treatment authorized in a plan of care that requires the unique skill, knowledge or judgment of a physical therapist.*

(l) Has allowed a person who is not a physical therapist to modify any portion of a plan of care unless the modification is within the person's scope of practice.

(m) Has had his license to practice physical therapy suspended, revoked or in any way limited by another jurisdiction.

[(l)] *(n)* Is determined to be professionally incompetent by the board.

[(m)] *(o)* Has violated any provision of this chapter or the board's regulations.".

Amend sec. 18, page 5, by deleting line 10 and inserting: "640.290 [A] *1. Except as otherwise provided in sections 5.3 and 5.5 of this act, a* person licensed as a physical [therapy] *therapist's* assistant".

Amend sec. 18, page 5, line 13, by deleting the period and inserting: "[.] *, and sections 5.3 and 5.5 of this act.*

2. A physical therapist who supervises a person who is not licensed pursuant to this chapter shall be present and available when the person performs any procedures or activities related to physical therapy.

3. A physical therapist shall not supervise more than two physical therapist's assistants who provide treatment to patients in the homes of patients.".

Amend the bill as a whole by adding a new section designated sec. 20, following sec. 19, to read as follows:

"Sec. 20. Section 12.5 of this act becomes effective at 12:01 a.m. on October 1, 1993.".

Amend the title of the bill to read as follows:

"An Act relating to physical therapy; providing for the regulation of physical therapist's technicians; allowing physical therapist's assistants to obtain a temporary license under certain circumstances; prohibiting a physical therapist's assistant from performing certain activities; authorizing a physical therapist's assistant to provide treatment to a patient in the home of the patient; establishing specific activities that a physical therapist must perform; making various other changes; and providing other matters properly relating thereto.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblymen Porter, Smith, Freeman and Augustine.

Amendment lost on a division of the house.

Bill ordered engrossed and to third reading.

Assembly Bill No. 681.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1253.

Amend sec. 18, page 3, by deleting lines 32 and 33 and inserting:

"3. An action under this chapter must be brought in a district court of this state.".

Amend sec. 21, page 5, line 1, after "interfere" by inserting: "intentionally and willfully".

Amend sec. 21, page 5, line 8, after "who" by inserting: "intentionally and willfully".

Amend sec. 24, page 6, line 1, after "by the" by inserting: "gross negligence or the".

Amend sec. 24, page 6, line 13, after "by" by inserting: "gross negligence or".

Amend sec. 26, page 6, line 46, after "by the" by inserting: "gross negligence or the".

Amend sec. 27, page 7, line 8, after "by the" by inserting: "gross negligence or the".

Amend sec. 29, page 7, line 13, by deleting: "facts, among others," and inserting "facts".

Amend sec. 30, page 7, line 31, by deleting: "facts, among others," and inserting "facts".

Amend sec. 30, page 7, line 48, by deleting "immediately." and inserting: "within 5 working days.".

Amend sec. 31, page 8, line 4, by deleting: "facts, among others," and inserting "facts".

Amend sec. 31, page 8, lines 7 and 8, by deleting: "any obligation to any state or any subdivision thereof or".

Amend sec. 45, page 13, by deleting lines 29 and 30 and inserting: "policyholders, claimants or other creditors, if he considers such a committee necessary. If such a committee is formed, the committee must include the appropriate guaranty associations. The committee serves at his".

Amend sec. 48, page 14, line 30, by deleting: "on the security of the insurer's assets or without security".

Amend sec. 80, page 23, line 10, by deleting "may" and inserting "must".

Amend sec. 80, page 23, line 11, by deleting "81,".

Amend sec. 80, page 23, line 15, by deleting "liquidation" and inserting "receivership".

Amend sec. 80, page 23, by deleting lines 27 through 39 and inserting:

"(f) The obligations between the person and the insurer arise from business where either the person or the insurer has assumed risks and obligations from the other party and then has ceded substantially the same risks and obligations back to the other party.".

Amend sec. 81, page 23, by deleting lines 40 through 47 and inserting:

"Sec. 81. A receiver shall provide persons with accountings identifying all debts which are due. If a person owes the insurer amounts which are due, against which the person asserts a setoff of mutual credits which may become due from the insurer in the future, the person shall promptly pay the receiver the amounts due. Notwithstanding any other provision of this chapter to the contrary, the receiver shall promptly and fully refund, to the extent of the person's prior payments, any mutual credits that become due to the person by the insurer. Before the termination of any proceeding initiated pursuant to the provisions of this chapter, the amount due the person must be determined so that the receiver may make a final refund, if required.".

Amend sec. 135, page 40, line 15, by deleting "*No*" and inserting: "*Except as otherwise provided in this subsection, no*".

Amend sec. 135, page 40, line 18, after the period, by inserting: "*This subsection does not provide the commissioner, his authorized representatives or any examiner with immunity from action or liability for any damage, loss, injury or harm caused by the gross negligence of that person.*".

Amend sec. 135, page 40, by deleting lines 23 and 24 and inserting: "*was performed in good faith and without fraudulent intent, the intent to deceive or gross negligence.*".

Amend sec. 140, page 43, by deleting lines 24 through 30 and inserting: "*or regulatory action.*

(b) During any hearing or any legal action, to use and, if so ordered by the commissioner or a court, to make public a final or preliminary report of an examination, working papers or other documents of an examiner or

insurer, or any other information discovered or developed during the course of an examination. Such documents must be given their appropriate evidentiary weight and must not be accepted as prima facie evidence of the facts contained therein.".

Amend sec. 145, page 47, line 50, after the period, by inserting: "*The regulations must:*

(a) Be based on the standards adopted by the National Association of Insurance Commissioners; and

(b) Balance the need to protect the consumer with the special needs for the operation of domestic insurers.".

Amend sec. 175, page 56, line 15, after "*all*" by inserting: "*or part of*".

Amend sec. 197, page 62, by deleting lines 17 through 31, and inserting:

"Sec. 197. *1. If the commissioner believes that the reinsurance intermediary or any other person has not materially complied with sections 165 to 196, inclusive, of this act, or any regulation adopted or order issued pursuant thereto, the commissioner may, after a hearing conducted in accordance with NRS 679B.310 to 679B.370, inclusive, order:*

(a) For each separate violation, the payment of a penalty in an amount not exceeding $5,000; and

(b) The revocation or suspension of the license of the reinsurance intermediary.

2. If the commissioner finds that the noncompliance of the reinsurance intermediary has caused the insurer any loss or damage, the commissioner may initiate a civil action against the intermediary on behalf of the insurer to recover compensatory damages or other appropriate relief.

3. If an order of rehabilitation or liquidation of the insurer has been entered pursuant to sections 2 to 114, inclusive, of this act, and the receiver appointed by that order determines that:

(a) The reinsurance intermediary or any other person has not materially complied with sections 165 to 196, inclusive, of this act, or any regulation adopted or order issued pursuant thereto; and

(b) The insurer has suffered any loss or damage as a result of that noncompliance,

the receiver may bring a civil action for the recovery of damages or for any other appropriate sanctions on behalf of the insurer.".

Amend sec. 210, page 67, line 18, by deleting: "*lesser of 3*" and inserting: "*greater of 5*".

Amend sec. 210, page 67, line 21, by deleting "*3*" and inserting "*5*".

Amend sec. 210, page 67, line 30, by deleting: "*lesser of 3*" and inserting: "*greater of 5*".

Amend sec. 210, page 67, line 33, by deleting "*3*" and inserting "*5*".

Amend sec. 211, page 68, line 1, after "*may not*" by inserting "*intentionally*".

Amend sec. 214, page 69, line 16, after "policyholders" by inserting: "*or buyers of insurance,*".

Amend sec. 214, page 69, line 25, by deleting the brackets.

Amend sec. 214, page 69, by deleting lines 29 through 31 and inserting: "acquisition of control.".

Amend sec. 216, page 70, by deleting lines 26 and 27 and inserting: "dividends and other distributions to shareholders within [2] *5* business days following the declaration [thereof.] *and 10 days before payment.*".

Amend the bill as a whole by adding a new section designated sec. 217.5, following sec. 217, to read as follows:

"Sec. 217.5. NRS 692C.370 is hereby amended to read as follows:

692C.370 For *the* purposes of this chapter, in determining whether or not an insurer's surplus as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the following factors among others [shall] *must* be considered:

1. The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force and other appropriate criteria.

2. The extent to which the insurer's business is diversified among the several lines of insurance.

3. The number and size of risks insured in each line of business.

4. The extent of the geographical dispersion of the insurer's insured risks.

5. The nature and extent of the insurer's reinsurance program.

6. The quality, diversification and liquidity of the insurer's investment portfolio.

7. The recent past and projected future trend in the size of the insurer's surplus as regards policyholders.

8. The surplus as regards policyholders maintained by other comparable insurers.

9. The adequacy of the insurer's reserves.

10. The quality and liquidity of investments in subsidiaries made pursuant to NRS 692C.180 to 692C.250, inclusive. The commissioner may treat any such investment as a disallowed asset for purposes of determining the adequacy of surplus as regards policyholders whenever in his judgment such investment so warrants.

11. The quality of the insurer's earnings and the extent to which the reported earnings of the insurer include extraordinary items.".

Amend sec. 218, page 71, by deleting line 2 and inserting "greater of:".

Amend sec. 218, page 71, by deleting line 7 and inserting: "is a life insurer, or the net [investment] income, *including unrealized*".

Amend the bill as a whole by adding a new section designated sec. 220.5, following sec. 220, to read as follows:

"Sec. 220.5. NRS 693A.140 is hereby amended to read as follows:

693A.140 1. A domestic stock insurer shall not pay any cash dividend to stockholders except out of that part of its available and accumulated surplus [funds] *money* otherwise unrestricted and derived from realized net operating profits and realized *and unrealized* capital gains.

2. A cash dividend otherwise lawful may be so paid out of the insurer's earned surplus even though its total surplus is then less than the aggregate of its past contributed or paid-in surplus.

3. A stock dividend may be paid out of any available surplus. Upon payment of such a dividend the insurer shall transfer to its paid-in capital stock accounts [funds] *money* equal to the aggregate of the par values of the shares so distributed.

4. A domestic stock insurer may declare and distribute a dividend otherwise prohibited by this section if:

(a) Following the payment of the dividend, the insurer's surplus as regards policyholders is reasonable in relation to its outstanding liabilities and adequate to its financial needs, as determined pursuant to NRS 692C.370; and

(b) The commissioner approves the dividend before its payment.".

Amend sec. 223, page 73, by deleting lines 47 and 48 and inserting: "*as may be necessary only for the review of the proposed acquisition of control. Such a review may be conducted only if the parties fail to provide sufficient information to the commissioner. Expenses chargeable to the acquiring party pursuant to this subsection must not exceed 1 percent of the acquisition price.*".

Amend sec. 241, page 79, by deleting lines 41 and 42 and inserting:

"Sec. 241. Chapter 696B of NRS is hereby amended by adding thereto a new section to read as follows:

The proceedings authorized by this chapter may be applied to:

1. An insurer who transacts or has transacted insurance in this state, and against whom claims arising from that business may exist now or in the future.

2. An insurer who purports to transact insurance in this state.

3. An insurer who has insureds resident in this state.

4. A person organized or in the process of organizing with the intent to transact insurance in this state.

5. A nonprofit service plan or a fraternal benefit society or beneficial society.

6. A title insurer subject to chapter 692A of NRS.

7. A plan for prepaid health care under chapter 695F of NRS.

8. All other persons to whom such proceedings are otherwise expressly made applicable by law.".

Amend the bill as a whole by deleting sections 242 through 254 and inserting:

"Secs. 242-254. (Deleted by amendment.)".

Amend sec. 259, page 84, line 34, by deleting "696B.050,".

Amend the bill as a whole by adding a new section designated sec. 260.5, following sec. 260, to read as follows:

"Sec. 260.5. 1. Sections 80 and 81 of this act apply to:

(a) All contracts entered into, rendered, extended or amended on or after October 1, 1994; and

(b) Debts or credits arising from any written business transactions pursuant to such a contract on or after October 1, 1994.

2. For the purpose of this section, any change in the terms of or the consideration for such a contract shall be deemed an amendment thereto.".

Amend sec. 262, page 85, line 5, by deleting: "1 to 114, inclusive," and inserting: "1 to 79, inclusive, 82 to 114, inclusive,".

Amend sec. 262, page 85, line 8, after "2." by inserting: "Sections 80 and 81 of this act become effective on October 1, 1994.

3.".

Amend sec. 262, page 85, line 12, by deleting "3." and inserting "4.".

Amend the bill as a whole by deleting the leadline of NRS 696B.050 from the leadlines of repealed sections.

Amend the title of the bill by deleting the second and third lines and inserting: "insurers; making it unlawful to obstruct, interfere or fail".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 745.

Bill read second time.

The following amendment was proposed by Assemblyman Dini:

Amendment No. 1313.

Amend section 1, page 1, line 14, after "*contracts*" by inserting "*within Nevada*".

Amend section 1, page 1, line 16, after "*contracts*" by inserting "*within Nevada*".

Amend section 1, page 1, line 18, after "*contracts*" by inserting "*within Nevada*".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 247.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1226.

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

"Sec. 4.5. *"Diagnostic pharmaceutical agents" means topical ophthalmic anesthetics and topical cycloplegics, miotics and mydriatics.*".

Amend sec. 7.5, page 1, line 22, by deleting the period and inserting: "*if the total amount of rent paid for the building or part thereof does not exceed its fair rental value, including any furniture, fixtures or equipment therein.*".

Amend sec. 29, page 7, line 24, after "4." by inserting: "*Nothing in this section authorizes a licensed optometrist to engage in any acts which are beyond the scope of his license issued in accordance with the provisions of this chapter.*

5.".

Amend sec. 37, page 9, by deleting lines 22 through 34 and inserting:

"3. Conviction of any of the provisions of NRS 616.630, 616.635, 616.640, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of [this act.] *Senate Bill No. 316 of this session.*

4. Commission of fraud by or on behalf of the licensee in obtaining his license or a renewal thereof, or in practicing optometry thereunder.

5. Habitual drunkenness or addiction to any controlled substance.

6. Gross incompetency.

7. Affliction with any mental or physical disorder or disturbance seriously impairing his competency as an optometrist.

8. Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.

9. Practice by the licensee, or attempting or offering so to do, while he is in an intoxicated condition.

10. Perpetration of unethical or unprofessional conduct in the practice of optometry.

11. [Willfully and repeatedly violating] *Any violation of the* provisions of".

Amend sec. 41, page 10, by deleting lines 24 through 32 and inserting:

"636.315 *1.* As soon as practicable after the filing of a complaint, the board shall *notify the licensee against whom the complaint is filed and* fix a date for [the hearing thereof, which date must be not less than 30 days thereafter.] *its review of the complaint.* If the board receives a report pursuant to subsection 5 of section 237 of [this act,] *Senate Bill No. 316 of this session,* a hearing must be held within 30 days after receiving the report. The [secretary shall immediately] *licensee must be allowed a reasonable amount of time to respond to the allegations of the complaint. The executive director shall* notify the [defendant] licensee of the [complaint and the] *time,* date and place fixed for the [hearing thereof. A copy of the complaint must be attached to the notice.] *board's review of the complaint.*".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblyman Scherer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 322.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1315.

Amend section 1, page 1, line 8, after "*375.090;*" by inserting "*and*".

Amend section 1, page 1, by deleting lines 9 through 11.

Amend section 1, page 1, line 12, by deleting "*(e)*" and inserting "*(d)*".

Amend section 1, page 1, by deleting lines 14 and 15 and inserting:

"2. *A university foundation is not required to disclose the name of any contributor to the university foundation, the amount of his contribution or any information which may reveal or lead to the discovery of his identity. The university foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.*".

Amend sec. 2, page 2, line 1, by deleting "1.".

Amend sec. 2, page 2, line 5, by deleting "[shall] *must*" and inserting "must".

Amend sec. 2, page 2, line 6, by deleting "[the same]" and inserting: "the books and records".

Amend sec. 2, page 2, line 11, by deleting "same" and inserting: "books and records".

Amend sec. 2, page 2, by deleting lines 14 through 17.

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 1993.".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 398.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1269.

Amend sec. 12, page 3, line 4, by deleting the period and inserting: "*and provide for the respectful disposition of the cremated remains.*".

Amend the bill as a whole by adding a new section designated sec. 62.5, following sec. 62, to read as follows:

"Sec. 62.5. NRS 642.430 is hereby amended to read as follows:

642.430 1. *The board shall, before renewing a funeral director's license, make an unannounced inspection of the establishment for which the license was issued to ensure compliance with:*

(a) The laws governing the preparation, burial and disposal of dead human bodies, and the shipment of bodies of persons dying from infectious or contagious diseases;

(b) Local health and sanitary ordinances and regulations relating to funeral directing and embalming; and

(c) Federal regulations governing funeral practices.

Each licensed funeral director shall be deemed to have consented to such an inspection as a condition of being issued a license.

2. The board shall mail, on or before January 1 of each year, to each licensed funeral director, addressed to him at his last known address, a notice that his or its renewal fee is due and payable and that if such fee is not

paid by February 1, a penalty of $25 [shall] *will* be added to the renewal fee, and in no case [shall] *will* such penalty or additional fee, upon account of such delinquency, be waived.

[2.] *3.* Upon *making the inspection required pursuant to subsection 1 and* receipt of such fees the board shall cause the renewal certificate to be issued.".

Amend sec. 67, page 16, by deleting line 26 and inserting: "[.] *after deducting commissions.*".

Assemblyman Toomin moved the adoption of the amendment.

Remarks by Assemblymen Toomin, Lambert, Price and Smith.

Assemblyman Smith moved that Senate Bill No. 398 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 415.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1263.

Amend section 1, page 1, line 4, after "department." by inserting: "*The form must include a request and space for the applicant to state, if he so desires, whether he has ever served on active duty in the Armed Forces of the United States, and, if so, the date of service.*".

Amend section 1, page 1, by deleting lines 18 and 19.

Amend the bill as a whole by deleting sec. 2 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 483.382 is hereby amended to read as follows:

483.382 1. No later than 30 days before the expiration of his license, the drivers' license division of the department shall mail to each licensee who has not already renewed his license an expiration notice.

2. *The department shall prepare a form for an application for a renewal license, which must include a request and space for the applicant to state, if he so desires, whether he has ever served on active duty in the Armed Forces of the United States, and, if so, the date of service.*

3. The department may require an applicant for a renewal license successfully to pass such additional test as the department finds reasonably necessary to determine his qualification according to the type or class of license applied for.".

Amend sec. 3, page 2, line 46, after "*shall*" by inserting: ", *from information voluntarily provided on applications,*".

Amend sec. 3, page 3, line 2, by deleting "*affairs.*" and inserting: "*affairs, except that the department shall not include any personal information that may reveal the identity or address of any person.*".

Amend sec. 4, page 3, by deleting line 20 and inserting:

"*The form for the application must include a request and space for the applicant to state, if he so desires, whether he has ever served on active duty in the Armed*".

Amend sec. 5, page 3, line 31, after "charge." by inserting: "*The form for the application must include a request and space for the applicant to state, if he so desires, whether he has ever served on active duty in the Armed Forces of the United States, and, if so, the date of service.*".

Amend sec. 5, page 3, line 40, by deleting "[and]" and inserting "and".

Amend sec. 5, page 3, by deleting lines 42 through 44 and inserting: "the applicant's competency and eligibility.".

Amend sec. 6, page 4, line 18, after "28." by inserting: "*Every motorcycle endorsement to a driver's license issued on or after January 1, 1972, expires simultaneously with the expiration of the driver's license.*".

Amend sec. 6, page 4, line 20, by inserting an open bracket before "Every".

Amend sec. 6, page 4, line 22, by deleting "license." and inserting: "license.] *The department shall prepare a form for an application for renewal, which must include a request and space for the applicant to state, if he so desires, whether he has ever served on active duty in the Armed Forces of the United States, and, if so, the date of service.*".

Amend sec. 6, page 4, by deleting lines 23 through 28 and inserting:

"3. Except as otherwise provided in subsection 1 of NRS 483.384, each applicant for renewal shall appear".

Amend the bill as a whole by renumbering sections 7 and 8 as sections 8 and 9 and adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. The department of motor vehicles and public safety shall, before January 1, 1995, provide to the director of the legislative counsel bureau, for dissemination to the legislature, a report of the information obtained pursuant to the amendatory provisions of this act.".

Amend sec. 8, page 4, by deleting line 41 and inserting:

"Sec. 9. 1. This section and section 8 of this act become effective on July".

Amend sec. 8, page 4, line 43, by deleting "6," and inserting "7,".

Amend sec. 8, page 4, after line 44, by inserting:

"3. Sections 1 to 6, inclusive, of this act expire by limitation on July 1, 1995.".

Amend the title of the bill, second line, by deleting "obtain" and inserting "solicit".

Amend the title of the bill, third line, after "make" by inserting "certain of".

Amend the summary of the bill, first line, by deleting "obtain" and inserting "solicit".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 497.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1311.

Amend sec. 3, page 1, line 21, by deleting "*$10.*" and inserting "*$20.*".

Amend sec. 3, page 1, by deleting lines 22 and 23.

Amend sec. 4, page 2, by deleting lines 22 and 23 and inserting: "*fee for:*

(a) The initial issuance of the special license plates is $35.

(b) The annual renewal sticker is $10.".

Amend sec. 4, page 2, by deleting lines 26 and 27 and inserting: "*plates from the department for a fee of $10.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 67.

Resolution read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1309.

Amend the resolution, page 1, by deleting lines 12 through 14 and inserting: "CURRING, That the Legislative Commission consider conducting an interim study of the structure and functioning of the Legislative Counsel Bureau and that the services of the National Conference of State Legislatures should be utilized in any such study; and be it further".

Amend the resolution, page 1, line 15, by deleting "the study" and inserting: "any such study".

Amend the preamble of the resolution, page 1, between lines 2 and 3, by inserting:

"WHEREAS, It has been 20 years since an organizational and operational review has been made of the Legislative Counsel Bureau; and".

Amend the title of the resolution, first and second lines, by deleting "conduct" and inserting "consider".

Amend the summary of the resolution, first line, by deleting "conduct" and inserting "consider".

Assemblyman Sader moved the adoption of the amendment.

Remarks by Assemblyman Sader.

Amendment adopted.

Resolution ordered reprinted and engrossed.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 427.

The following Senate amendment was read:

Amendment No. 1156.

Amend section 1, page 1, by deleting line 9 and inserting: "*so by the school administrator.*".

Assemblyman Wendell Williams moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 427.

Remarks by Assemblyman Wendell Williams.

Motion carried.

Bill ordered transmitted to the Senate.

Assemblyman Marvel moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 7:58 p.m.

ASSEMBLY IN SESSION

At 8:29 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 444, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 10, which is attached to and hereby made a part of this report.

JAN EVANS	RAYMOND D. RAWSON
LARRY L. SPITLER	WILLIAM R. O'DONNELL
DEAN A. HELLER	DIANA M. GLOMB
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 10.

Amend sec. 2, page 2, line 15, by deleting "8," and inserting "[8,] *9,*".

Amend sec. 2, page 3, line 29, by deleting "9." and inserting "[9.] *10.*".

Amend sec. 2, page 3, line 37, after "9." by inserting: "*In addition to the increase allowed pursuant to subsection 8, if the net revenue per admission in a major hospital has decreased by at least 4 percent between the base period of July 1, 1989, to June 30, 1990, and the period from July 1, 1992, to March 31, 1993, the major hospital may increase the price of any item on its charge master by not more than an additional 4 percent at any time during fiscal year 1993-94 and 1994-95. A hospital shall notify the director in writing within 10 working days after making an increase allowed by this subsection.*

10.".

Amend sec. 2, page 3, line 40, by deleting "10." and inserting "[10.] *11.*".

Amend sec. 2, page 3, line 44, by deleting "11." and inserting "[11.] *12.*".

Amend sec. 2, page 4, line 6, by deleting "12." and inserting "[12.] *13.*".

Amend sec. 2, page 4, line 18, by deleting "13." and inserting "[13.] *14.*".

Amend sec. 2, page 4, line 19, by deleting "11" and inserting "[11] *12*".

Amend sec. 2, page 4, line 20, by deleting "12" and inserting "[12] *13*".

Amend sec. 2, page 4, line 23, by deleting "14." and inserting "[14.] *15.*".

Amend sec. 2, page 4, line 31, by deleting "15." and inserting "[15.] *16.*".

Amend sec. 2, page 4, line 43, by deleting "16." and inserting "[16.] *17.*".

Amend the title of the bill, second line, after "charges;" by inserting: "authorizing certain major hospitals to increase the price of items on their charge masters during the ensuing biennium;".

Assemblyman Evans moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 444.

Remarks by Assemblyman Evans.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 697 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Senate Concurrent Resolution No. 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend and be adopted as amended.

MYRNA T. WILLIAMS, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 697.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 697:

YEAS—28.

NAYS—Augustine, Carpenter, Ernaut, Freeman, Gibbons, Heller, Hettrick, Humke, Neighbors, Scherer, Tiffany—11.

Absent—Haller.

Not voting—Lambert, Spitler—2.

Assembly Bill No. 697 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 219.

Bill read third time.

Remarks by Assemblyman Wendell Williams.

Roll call on Assembly Bill No. 219:

YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 219 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 219, 697 be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 198.

Bill read third time.

Remarks by Assemblyman Bonaventura.

Roll call on Senate Bill No. 198:

YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 213.

Bill read third time.

Remarks by Assemblyman Scherer.

Assemblyman Scherer requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. Senate Bill No. 213 makes various changes relating to court reporters, formerly shorthand reporters. There was some concern that this bill might prohibit those agencies currently using the electronic recording in place of shorthand reporting. That is not the case. I have researched this issue personally in our current statutes and no one that is currently authorized to used the electronic recording would be prohibited from using electronic recording under this bill.

Roll call on Senate Bill No. 213:

YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 213 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 371.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Senate Bill No. 371:

YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 527.

Bill read third time.

Remarks by Assemblymen Segerblom, Anderson and Wendell Williams.

Assemblyman Wendell Williams moved that Senate Bill No. 527 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 545.

Bill read third time.

Remarks by Assemblyman Kenny.

Roll call on Senate Bill No. 545:

YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 545 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 553.

Bill read third time.

Remarks by Assemblyman Wendell Williams.

Roll call on Senate Bill No. 553:

YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 553 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 568.

Bill read third time.

Remarks by Assemblymen Spitler and Collins.

Roll call on Senate Bill No. 568:

YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 568 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 569.

Bill read third time.

Remarks by Assemblymen Arberry, Giunchigliani, Smith, Bache, Wendell Williams, Collins and Anderson.

Conflicts of interest declared by Assemblymen Anderson, Bache, Giunchigliani, Smith and Wendell Williams.

Roll call on Senate Bill No. 569:

YEAS—41.

NAYS—None.

Absent—Haller.

Senate Bill No. 569 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 570.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 570:

YEAS—41.

NAYS—None.

Absent—Haller.

Senate Bill No. 570 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 571.

Bill read third time.

Remarks by Assemblymen Arberry, Spitler and Giunchigliani.

Roll call on Senate Bill No. 571:

YEAS—23.

NAYS—Augustine, Bache, Chowning, Collins, Ernaut, Gibbons, Giunchigliani, Gregory, Heller, Hettrick, Humke, Kenny, Lambert, McGaughey, Price, Scherer, Segerblom, Smith—18.

Absent—Haller.

Senate Bill No. 571 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Concurrent Resolution No. 75, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 206, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 75.

Resolution read.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1307.

Amend the resolution, pages 1 and 2, by deleting lines 14 through 29 on page 1 and lines 1 through 4 on page 2, and inserting:

"RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislative Commission is hereby directed to conduct an interim study of the laws relating to the disclosure of information in real estate transactions; and be it further

RESOLVED, That the committee appointed by the Legislative Commission to conduct the study shall:

1. Review and evaluate the current laws of this state concerning the disclosure of information in real estate transactions;

2. Review and evaluate the implementation of any laws concerning the disclosure of information in real estate transactions passed by the 67th session of the Legislature; and

3. Analyze the effectiveness of those laws in requiring that information concerning the planned or proposed routes of streets and highways be disclosed to a purchaser of real estate;

and be it further".

Amend the preamble of the resolution, page 1, by deleting lines 1 through 13 and inserting:

"WHEREAS, There is general public concern regarding the disclosure of information in real estate transactions, particularly with regard to planning and zoning matters and future transportation routes; now, therefore, be it".

Amend the title of the bill to read as follows:

"ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study of the laws relating to the disclosure of information in real estate transactions.".

Amend the summary of the bill to read as follows:

"Summary—Directs Legislative Commission to conduct interim study of laws relating to disclosure of information in real estate transactions. (BDR R-2147)".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Resolution ordered reprinted and engrossed.

Senate Concurrent Resolution No. 35.

Resolution read.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1304.

Amend the resolution, page 1, by deleting line 17 and inserting: "ment of our available natural resources, the costs involved and the impact of alternative energy policies on employment, economic growth and economic development in Nevada; and be it".

Amend the resolution, page 1, line 20, by deleting "Nevada;" and inserting: "Nevada, including the role of energy in Nevada's economic growth, development, employment and competitive position relative to other states;".

Amend the resolution, page 1, by deleting lines 22 and 23 and inserting: "solar, wind and geothermal energy, the estimated costs of generating electricity from these renewable forms of energy and the impact from the use of such forms of energy on Nevada's economy and on consumers of energy in this state;".

Amend the resolution, page 1, line 26, by deleting "fuels;" and inserting: "fuels, and Nevada's expected rank in total and per capita carbon dioxide emissions compared with other states;".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Resolution ordered reprinted and engrossed.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 148, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

ERIN KENNY	MIKE MCGINNESS
VAL Z. GARNER	LORI LIPMAN BROWN
SCOTT SCHERER	SUE LOWDEN
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Kenny moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 148.

Remarks by Assemblyman Kenny.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 206 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 772 be placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 206.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1314.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. 1. There is hereby appropriated from the state general fund to the audit division of the legislative counsel bureau the sum of $7,500 for costs related to the audit conducted pursuant to section 1 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1995, and reverts to the state general fund as soon as all payments of the money committed have been made.".

Amend sec. 2, page 1, line 10, by deleting: "upon passage and approval." and inserting: "on June 30, 1993.".

Amend the title of the bill, third line, after "self-insurance;" by inserting: "making an appropriation;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 772.

Bill read third time.

The following amendment was proposed by Assemblyman Hettrick:

Amendment No. 1331.

Amend section 1, page 1, line 20, by deleting "*or*" and inserting "*and*".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblymen Hettrick and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 9:14 p.m.

ASSEMBLY IN SESSION

At 9:44 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 596, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 563, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 354, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bennett moved that Assembly Bill No. 596 be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 596.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1337.

Amend sec. 3, page 1, line 11, by deleting "*shall*" and inserting "*may*".

Amend the bill as a whole by deleting sec. 7 and renumbering sec. 8 as sec. 7.

Amend sec. 8, page 5, line 33, by deleting: "4 to 7, inclusive," and inserting: "4, 5 and 6".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 571 was this day passed.

Mr. Speaker ruled Assemblyman Anderson's motion out of order pursuant to Assembly Standing Rule No. 68.

Assemblyman Anderson moved that the vote whereby Senate Bill No. 571 was passed be rescinded.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 9:48 p.m.

ASSEMBLY IN SESSION

At 10:02 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Anderson withdrew his motion.

Assemblyman Porter moved that all rules be suspended and that Senate Bills Nos. 198, 213, 371, 545, 553, 568, 569, 570, 571 be immediately transmitted to the Senate.

Motion carried unanimously.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 778.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 786, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI
Assistant Secretary of the Senate

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:05 p.m.

ASSEMBLY IN SESSION

At 10:13 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 786.

The following Senate amendment was read:

Amendment No. 1286.

Amend section 1, page 1, line 7, by deleting: "$225 plus [$90]" and inserting: "[$225 plus $90] *$305 plus*".

Assemblyman Price moved that the Assembly concur in the Senate amendment to Assembly Bill No. 786.

Remarks by Assemblyman Price.

Conflicts of interest declared by Assemblymen Regan and Scherer.

Motion carried.

Bill ordered enrolled.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:15 p.m.

ASSEMBLY IN SESSION

At 12:02 a.m.
Mr. Speaker presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 763.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved that the vote whereby Senate Concurrent Resolution No. 43 was adopted be rescinded.

Motion carried.

Assemblyman Porter moved that Senate Concurrent Resolution No. 43 be placed on the Chief Clerk's desk.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 39, 314, 394, 432, 483, 556, 578, 583, 584, 614, 618, 629, 647, 667, 689, 742, 750, 773; Assembly Joint Resolution No. 39; Assembly Concurrent Resolutions Nos. 82, 83; Senate Bills Nos. 10, 60, 229, 268, 334, 361, 368, 494, 506, 507, 512, 541; Senate Concurrent Resolutions Nos. 49, 50, 51.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Dick Vander Woude.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Win Dale and Mrs. Shirley Dale.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Suzanne Nounna and Heidi Wixom.

Assemblyman Porter moved that the Assembly adjourn until Thursday, July 1, 1993 at 12 noon.

Motion carried.

Assembly adjourned at 12:04 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-FIFTH DAY

CARSON CITY (Thursday), July 1, 1993

Assembly called to order at 12:22 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Let us begin with a moment of quiet prayer on behalf of the loss of Mrs. Williams' mother.

Our Father, we have had some long, long days and this one may be, too. We need a short, short prayer. Please keep blessing us. Thank You. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Porter requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. A very great lady died this morning. She died peacefully. My mother, Betty Torme. She had a long and happy life. She was proud of her children, her grandchildren and her great grandson. Together for more than 70 years, my parents are role models for all of us. The world is a better place because of my mother.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 381, 542, 544, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Senate Bill No. 552, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 295, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate of this day passed Assembly Bills Nos. 89, 100, 102, 217.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 355, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 493, 566.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 201.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, July 1, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 404, 425, 536, 603, 652, 653, 691, 697, 726, 730, 735, 748, 752, 762, 776.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 414, 669, 746, 756, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 244 and requests a conference, and appointed Senators James, Smith and Shaffer as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 36, 38, 47, 71, 76.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Assembly Concurrent Resolution No. 79, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 67.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblyman Porter.

Resolution adopted, as amended.

Senate Concurrent Resolution No. 35.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted, as amended.

Assemblyman Garner moved that Senate Bill No. 168 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Garner.

Motion carried.

Assemblyman Toomin moved that Senate Bill No. 398 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Toomin.

Motion carried.

Assemblyman Myrna Williams moved that Senate Concurrent Resolution No. 43 be taken from the Chief Clerk's desk.

Remarks by Assemblyman Myrna Williams.

Motion carried.

Resolution read.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1349.

Amend the resolution, page 1, line 27, after "to" by inserting: "appoint a committee to".

Amend the resolution, pages 1 and 2, by deleting lines 28 through 31 on page 1 and lines 1 and 2 on page 2 and inserting: "interim study of the revenue structure of this state and its local governments and make recommendations for legislation to improve that structure; and be it further

RESOLVED, That the committee appointed by the Legislative Commission to conduct the study consist of:

1. Two members of the senate who belong to different political parties;
2. Two members of the assembly who belong to different political parties;
3. One member of the local governmental advisory committee;
4. One member who is an expert in economic development; and
5. One member who is a representative of the general public;

and be it further

RESOLVED, That the members of the committee who are not legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day's attendance at a meeting of the committee; and be it further

RESOLVED, That the per diem allowances and travel expenses must be paid from the legislative fund; and be it further

RESOLVED, That the committee may appoint such subcommittees as it deems necessary to carry out the purposes of the study; and be it further

RESOLVED, That the committee shall use the following principles of taxation to analyze the revenue structure of the state and its local governments:

1. Equity: Each tax that is imposed by the state or authorized for imposition by a local government should provide equal liabilities for similarly situated taxpayers;
2. Neutrality: Taxes should not negatively impact decisions regarding earning and spending;
3. Adequacy: The basis for the taxes imposed by the state and local governments should be stable and predictable to ensure adequate revenue and accurate budgeting;
4. Broad Based: All taxes authorized or imposed by the state legislature should have as few exemptions as practicable;
5. Simplicity: The provisions governing the administration of each tax should be easy to comply with and understand;

6. Compatibility: The taxes imposed by the state should be compatible with those levied by local governments, the Federal Government and other states;

7. Predictability: The taxes which each person is required to pay should be definite and not arbitrary;

8. Exemptions: All exemptions should be based on economic criteria and should apply for a specific time;

9. Convenience: The manner of payment of taxes should be based on convenience to the taxpayer;

10. Efficiency: All taxes should be collected in the most efficient manner possible which requires the least amount of paperwork for both the tax collector and the taxpayer; and

11. Earmarking: The use of the proceeds from a particular tax should not be dedicated to a specific purpose unless there is a direct causal relationship between the activities of the persons upon whom the tax is imposed and the need for the revenue;

and be it further

RESOLVED, That the committee shall review the effect of competition between the state and its local governments for the same sources of revenue and the effect that exemptions in existing taxes may have on the revenue structure; and be it further

RESOLVED, That the committee is directed to prepare one or more proposals for the revision of the revenue structure of this state and its local governments to make that structure more consistent with the principles of taxation set forth in this resolution, while maintaining the economic well-being of the residents and businesses of this state and providing an adequate and stable source of revenue for the support of the state and its local governments; and be it further".

Amend the preamble of the resolution, page 1, line 5, by deleting "forces" and inserting "often requires".

Amend the preamble of the resolution, page 1, line 6, by deleting "tax" and inserting "revenue".

Amend the preamble of the resolution, page 1, by deleting lines 7 and 8 and inserting: "ments lacks stability and has made the budgeting process difficult and in some circumstances fails to meet the demands of the rapidly increasing population of this state; and".

Amend the preamble of the resolution, page 1, line 9, by deleting "tax" and inserting "revenue".

Amend the preamble of the resolution, page 1, line 12, by deleting "tax" and inserting "revenue".

Amend the preamble of the resolution, by deleting lines 15 through 24 and inserting:

"WHEREAS, An analysis of the existing revenue structure of the state and its local governments using principles of taxation would assist the legislature in establishing a tax structure for this state that is flexible and stable and provides adequate revenues for this state to meet the changing".

Amend the title of the resolution, second line, by deleting "tax" and inserting "revenue".

Amend the summary of the resolution, first line, by deleting "taxation." and inserting: "revenue structure in Nevada.".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Resolution ordered reprinted and engrossed.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 493.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 566.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 354.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1325.

Amend section 1, page 2, line 4, by deleting "*or*".

Amend section 1, page 2, line 5, by deleting the period and inserting: "*; or*

(d) To escort a disruptive pupil who refuses to go voluntarily with the proper authorities.".

Assemblyman Wendell Williams moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblyman Wendell Williams:

Amendment No. 1326.

Amend section 1, page 1, line 18, after "*public*" by inserting "*or private*".

Amend the title of the bill, first line, after "public" by inserting "and private".

Amend the summary of the bill, first line, after "public" by inserting "and private".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 563.

Bill read second time and ordered to third reading.

Senate Bill No. 398.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1345.

Amend sec. 12, page 3, line 4, by deleting the period and inserting: "*and provide for the respectful disposition of the cremated remains.*".

Amend the bill as a whole by adding a new section designated sec. 62.5, following sec. 62, to read as follows:

"Sec. 62.5. NRS 642.430 is hereby amended to read as follows:

642.430 1. *The board shall, before renewing a funeral director's license, make an unannounced inspection of the establishment for which the license was issued to ensure compliance with:*

(a) The laws governing the preparation, burial and disposal of dead human bodies, and the shipment of bodies of persons who have died from infectious or contagious diseases;

(b) Local health and sanitary ordinances and regulations relating to funeral directing and embalming; and

(c) Federal regulations governing funeral practices.

Each licensed funeral director shall be deemed to have consented to such an inspection as a condition of being issued a license.

2. The board shall mail, on or before January 1 of each year, to each licensed funeral director, addressed to him at his last known address, a notice that his or its renewal fee is due and payable and that if such fee is not paid by February 1, a penalty of $25 [shall] *will* be added to the renewal fee, and in no case [shall] *will* such penalty or additional fee, upon account of such delinquency, be waived.

[2.] *3.* Upon *making the inspection required pursuant to subsection 1 and* receipt of such fees the board shall cause the renewal certificate to be issued.".

Amend sec. 67, page 16, by deleting line 26 and inserting: "[.] *after deducting commissions.*".

Assemblyman Toomin moved the adoption of the amendment.

Remarks by Assemblyman Toomin.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bills Nos. 188, 409, 456, 596, 699, 745, 768, 772 be placed at the top of the General File.

Motion carried.

Assemblyman Porter moved that Senate Bills Nos. 247, 322, 347, 415, 497, 540 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 188.

Bill read third time.

Remarks by Assemblymen Price, Myrna Williams, Giunchigliani, Bonaventura and Sader.

Assemblyman Sader moved that Assembly Bill No. 188 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Sader.

Motion carried.

Assembly Bill No. 409.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1336.

Amend the bill as a whole by deleting sec. 2 and inserting:

"Sec. 2. (Deleted by amendment.)".

Amend the title of the bill by deleting lines 1 through 3 and inserting:

"An Act relating to state financial administration;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted; re-engrossed and to third reading.

Assembly Bill No. 456.

Bill read third time.

Remarks by Assemblyman Scherer.

Roll call on Assembly Bill No. 456:

YEAS—41.

NAYS—Toomin.

Assembly Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 596.

Bill read third time.

Remarks by Assemblyman Regan.

Roll call on Assembly Bill No. 596:

YEAS—42.

NAYS—None.

Assembly Bill No. 596 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 699.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Assembly Bill No. 699:

YEAS—41.

NAYS—Scherer.

Assembly Bill No. 699 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 745.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Assembly Bill No. 745:

YEAS—42.

NAYS—None.

Assembly Bill No. 745 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Porter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:53 p.m.

ASSEMBLY IN SESSION

At 1:51 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 461, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 779, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was re-referred Assembly Bill No. 378, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MYRNA T. WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 188 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Evans moved that Assembly Bill No. 193 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assembly Concurrent Resolution No. 75.

Assemblyman Myrna Williams moved the adoption of the resolution.

Remarks by Assemblyman Myrna Williams.

Resolution adopted, as amended.

GENERAL FILE AND THIRD READING

Assembly Bill No. 768.

Bill read third time.

Remarks by Assemblymen Price, Ernaut, Collins, Smith, Giunchigliani, Regan and Freeman.

Roll call on Assembly Bill No. 768:

YEAS—27.

NAYS—Anderson, Arberry, Bache, Bennett, Collins, de Braga, Giunchigliani, Haller, Marvel, Neighbors, Porter, Sader, Myrna Williams, Wendell Williams—14.

Not voting—Lambert.

Assembly Bill No. 768 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 772.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Assemblyman Giunchigliani moved that Assembly Bill No. 772 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Giunchigliani.

Motion carried.

Assembly Bill No. 513.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 513:

YEAS—41.

NAYS—Porter.

Assembly Bill No. 513 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended and that Assembly Bills Nos. 456, 596, 699, 745, 768; Assembly Concurrent Resolutions Nos. 67, 75; Senate Concurrent Resolution No. 35 be immediately transmitted to the Senate.

Motion carried unanimously.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Sader, Giunchigliani and Smith as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 244.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 73, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 8, which is attached to and hereby made a part of this report.

JAMES A. GIBBONS	MARK A. JAMES
ROBERT M. SADER	DINA TITUS
GENE T. PORTER	MIKE MCGINNESS
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 8.

Amend section 1, page 2, by deleting lines 22 through 24 and inserting: "*The term does not include a person who is not involved in the day-to-day operation or management of a medical facility unless that person has actual knowledge of the criminal neglect of a patient and takes no action to cure such neglect.*".

Assemblyman Gibbons moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 73.

Remarks by Assemblyman Gibbons.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Assembly Joint Resolution No. 11, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Committee on Conference, to consist of three members, for further consideration of the measure.

ROBERT E. PRICE	RAYMOND D. RAWSON
ROBERT M. SADER	R. HAL SMITH
JOAN A. LAMBERT	MATTHEW Q. CALLISTER
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Joint Resolution No. 11.

Remarks by Assemblyman Sader.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Dini, Porter and Evans as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Joint Resolution No. 11.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 511, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Assemblyman Freeman moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 2:17 p.m.

ASSEMBLY IN SESSION

At 2:28 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Concurrent Resolution No. 79.

The following Senate amendment was read:

Amendment No. 1184.

Amend the resolution, page 1, line 20, after "*resolution*" by inserting: "*or introduce a bill or resolution*".

Amend the title of the resolution, second line, after "for" by inserting: "and the introduction of".

Amend the summary of the bill to read as follows:

"Summary—Amends Joint Rules of Senate and Assembly with respect to requests for and introduction of bill drafts by standing committees. (BDR R-2146)".

Assemblyman Myrna Williams moved that the Assembly concur in the Senate amendment to Assembly Concurrent Resolution No. 79.

Remarks by Assemblyman Myrna Williams.

Motion carried.

Resolution ordered enrolled.

GENERAL FILE AND THIRD READING

Senate Bill No. 501.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 501:

YEAS—41.

NAYS—Porter.

Senate Bill No. 501 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 518.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 518:

YEAS—39.

NAYS—Bonaventura, Porter, Scherer—3.

Senate Bill No. 518 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 168.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 1005.

Amend sec. 2, page 1, by deleting lines 17 through 19 and inserting:

"333.020 As used in this chapter, unless the context otherwise requires:".

Amend sec. 2, page 2, by deleting lines 7 through 14 and inserting: "part, whether the funds are provided by the State of Nevada, received from the Federal Government or any branch, bureau or agency thereof, or derived from private or other sources, excepting local governments as defined in NRS 354.474, conservation districts and irrigation districts. The University and Community College System of Nevada [are not "using agencies"] *is not a "using agency"* except as otherwise provided in NRS 333.461.".

Assemblyman Garner moved the adoption of the amendment.

Remarks by Assemblyman Garner.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 247.

Bill read third time.

Remarks by Assemblyman Augustine.

Roll call on Senate Bill No. 247:

YEAS—41.

NAYS—Porter.

Senate Bill No. 247 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 322 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Giunchigliani moved that Assembly Bill No. 772 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Giunchigliani.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 347.
Bill read third time.
Remarks by Assemblyman Freeman.
Roll call on Senate Bill No. 347:
YEAS—33.
NAYS—Anderson, Arberry, Collins, Haller, Porter, Spitler, Toomin, Myrna Williams, Wendell Williams—9.

Senate Bill No. 347 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 415.
Bill read third time.
Remarks by Assemblyman Spitler.
Roll call on Senate Bill No. 415:
YEAS—37.
NAYS—Bonaventura, Carpenter, Lambert, Porter, Sader—5.

Senate Bill No. 415 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 497.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Senate Bill No. 497:
YEAS—39.
NAYS—Carpenter, Garner, Porter—3.

Senate Bill No. 497 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 540.
Bill read third time.
Remarks by Assemblyman Gibbons.
Roll call on Senate Bill No. 540:
YEAS—38.
NAYS—Bennett, Bonaventura, Collins, Porter—4.

Senate Bill No. 540 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 188.
Bill read third time.
Remarks by Assemblymen Price, Augustine and Collins.
Roll call on Assembly Bill No. 188:
YEAS—27.
NAYS—Bennett, de Braga, Evans, Freeman, Giunchigliani, Haller, Kenny, Lambert, Marvel, Perkins, Porter, Tiffany, Myrna Williams—13.
Not voting—Anderson, Scherer—2.

Assembly Bill No. 188 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 193.

Bill read third time.

The following amendment was proposed by Assemblyman Scherer:

Amendment No. 1334.

Amend sec. 3, page 1, by deleting lines 12 through 16 and inserting: "*care that complies with the regulations adopted pursuant to subsection 1.*".

Amend sec. 5, page 2, by deleting line 4 and inserting:

"2. *A person who commits a second or subsequent violation of subsection 1 is guilty of a misdemeanor.*".

Assemblyman Scherer moved the adoption of the amendment.

Remarks by Assemblymen Scherer and Augustine.

Assemblyman Humke moved that Assembly Bill No. 193 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Humke.

Motion lost.

Remarks by Assemblymen Carpenter and Petrak.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bill No. 322 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 772.

Bill read third time.

The following amendment was proposed by the Committee on Labor and Management:

Amendment No. 1360.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend the title of the bill, first and second lines, by deleting: "revising the exemptions from licensure for persons who install certain equipment or fixtures;".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 355.

The following Senate amendment was read:

Amendment No. 1164.

Amend section 1, page 1, line 13, by deleting "[or blood]" and inserting "or blood".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 355.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 414.

The following Senate amendment was read:

Amendment No. 1187.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

"Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. If, after a hearing, an administrative penalty is imposed against a contractor on a public work for the commission of an offense:*

(a) An eligible bidder, or any person who entered into a contract with the eligible bidder before bids for the contract for the public work were let, may commence a civil action against the contractor to recover damages suffered as a proximate result of the eligible bidder not being awarded the contract for the public work.

(b) There is a rebuttable presumption that the contractor was awarded the contract for the public work because his bid on the contract was based, in part, on his intent to commit the offense and, as a result, was lower than it otherwise would have been.

2. The court may award costs and reasonable attorney's fees to the prevailing party in any action brought pursuant to this section.

Sec. 3. *If any administrative penalty is imposed against a person for the commission of an offense, that person, and the corporate officers, if any, of that person, may not be awarded a contract for a public work:*

1. For the first offense, for a period of 2 years after the date of the imposition of the administrative penalty; and

2. For the second or subsequent offense, for a period of 3 years after the date of the imposition of the administrative penalty.

Sec. 4. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a workman or workmen employed by them on public works by the day and not under a contract in writing.

2. *"Eligible bidder" means a person who was found to be a responsible contractor by a public body which awarded a contract for a public work.*

3. "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS; or

(c) Provide and secure compensation for employees required pursuant to chapters 616 and 617 of NRS.

4. "Public body" means the state, county, city, town, school district or any public agency of this state or its political subdivisions sponsoring or financing a public work.

[3.] *5.* "Public work" means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

(6) Public utilities which are financed in whole or in part by public money;

(7) Publicly owned water mains and sewers;

(8) Public parks and playgrounds; and

(9) All other publicly owned works and property whose cost as a whole exceeds $20,000. Each separate unit which is a part of a project is included in the cost of the project for the purpose of determining whether a project meets this threshold.

(b) A building for the University and Community College System of Nevada of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by the state or federal money.

[4.] *6.* "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the workman.

[5.] *7.* "Workman" means a skilled mechanic, skilled workman, semiskilled mechanic, semiskilled workman or unskilled workman.

Sec. 5. NRS 338.015 is hereby amended to read as follows:

338.015 1. The labor commissioner shall enforce the provisions of NRS 338.010 to 338.130, inclusive. When informed of violations thereof [he] , *the labor commissioner may hold hearings on and assess fines for violations of those provisions and* shall report [such] *those* violations to the district attorney of the county in which [such] *the* violations occurred.

2. The district attorney shall prosecute the violator in accordance with law.

Sec. 6. NRS 338.090 is hereby amended to read as follows:

338.090 1. Any person, including the officers, agents or employees of a public body, who violates any of the provisions of NRS 338.010 to 338.080, inclusive, is guilty of a misdemeanor.

2. [Any person convicted of failing to pay the prevailing wage for a craft or type of work as determined by the labor commissioner may not be

awarded any contract for public work for 2 years after his conviction.] *The labor commissioner, in addition to any other penalty provided in this chapter:*

(a) Shall assess a person who, after a hearing, is found to have failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, an amount equal to the difference between the prevailing wages required to be paid and the wages he actually paid; and

(b) May in addition impose an administrative fine not to exceed the costs he incurred to investigate and prosecute the matter.

Amend the title of the bill to read as follows:

"An Act relating to public works projects; allowing certain unsuccessful bidders on a public works contract under certain circumstances to bring a civil action for damages against the contractor who was awarded the contract; revising provisions regarding hearings and penalties for certain violations; and providing other matters properly relating thereto.".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 414.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 559, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 779; Senate Bills Nos. 461, 511, 552, 559 be placed on the Second Reading File.

Motion carried.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bills Nos. 381, 542, 544, 563 declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Porter moved that Assembly Bills Nos. 206, 295, 378, 409, 681; Senate Bill No. 174 be placed on the General File.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3 p.m.

ASSEMBLY IN SESSION

At 3:04 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 221, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 779.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1290.

Amend the bill as a whole by deleting sections 1 through 5 and adding new sections designated 1 through 5, following the enacting clause, to read as follows:

"Section 1. 1. The board of county commissioners of Mineral County may, at a special election held before December 31, 1993, or at any countywide election to be held for another purpose on or before November 8, 1994, propose to the voters of Mineral County the question of whether the combination of the following taxes should be imposed and levied for the purpose of constructing and putting into operation a school to accommodate pupils on the Walker River Indian Reservation at Schurz, Nevada, and any other school facilities proposed by the board of school trustees of Mineral County for inclusion in this project:

(a) Impose a tax upon retailers at the rate of 0.50 percent of the gross receipts of the retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the county;

(b) Impose a supplemental privilege tax of not more than 1 cent on each $1 of valuation of the vehicle for the privilege of operating upon the public streets, roads and highways of the county; and

(c) Levy a tax upon all taxable property in the county at a rate per $100 of assessed valuation sufficient with the proceeds of the taxes imposed pursuant to subsections 1 and 2 to pay the interest and repay the principal of the bonds issued pursuant to section 2 of this act within 20 years after the date of issuance.

2. If such a question is submitted pursuant to subsection 1 and is approved by a majority of the voters voting on the question, the board of county commissioners shall:

(a) Adopt an ordinance imposing a tax upon retailers at the rate of 0.50 percent of the gross receipts of the retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in the county. The ordinance must contain, apart from the rate of tax, provisions substantially similar to those required by chapter 377 of NRS for the city-county

relief tax, and the tax must be similarly paid and collected. Collection of the tax imposed pursuant to this paragraph must not commence earlier than the first day of the second calendar month after adoption of the ordinance imposing the tax.

(b) Adopt an ordinance imposing a supplemental privilege tax of not more than 1 cent on each $1 of valuation of the vehicle for the privilege of operating upon the public streets, roads and highways of the county on each vehicle based in the county except a vehicle exempt from the motor vehicle privilege tax pursuant to chapter 371 of NRS and except a vehicle subject to NRS 706.011 to 706.861, inclusive, which is engaged in interstate or intercounty operations. Collection of the tax imposed pursuant to this paragraph must not commence earlier than the first day of the second calendar month after adoption of the ordinance imposing the tax. As used in this paragraph, "based" has the meaning ascribed to it in NRS 482.011.

(c) Levy a property tax in the amount per $100 of assessed valuation approved pursuant to subsection 1 beginning on the first July 1 following approval by the voters. The limitation imposed by NRS 354.59811 upon the allowable revenue from taxes ad valorem does not apply to the tax upon property imposed pursuant to this subsection. The tax imposed pursuant to this paragraph must not be collected after it has raised an amount sufficient to pay all principal and interest due upon the bonds.

3. The proceeds of any taxes imposed or levied pursuant to this section must be distributed to the Mineral County School District. The school district shall use the proceeds only to construct and put into operation a school to accommodate pupils on the Walker River Indian Reservation at Schurz, Nevada, and any other school facilities approved by the voters or to pay debt service on bonds issued for that purpose. The school district shall consult with the Walker River Paiute tribe in developing the design and plans for the school at Schurz.

Sec. 2. 1. To finance the construction authorized by section 1 of this act, the Mineral County School District shall issue bonds, pursuant to the Local Government Securities Law and pledge for the payment of the interest thereon and principal thereof the revenue derived from the taxes imposed pursuant to section 1 of this act. The Board of School Trustees of Mineral County shall make its best effort to ensure that the bonds for at least the school at Schurz are issued and sold within 6 months after the election at which the taxes to repay them are approved by the voters. Construction of the school at Schurz must begin as expeditiously thereafter as possible.

2. No part of the proceeds of the bonds may be used for any purpose other than the construction, equipment and grounds of the school at Schurz and any other facilities approved pursuant to section 1 of this act and to defray the expense of issuing the bonds. Any proceeds remaining must be applied to repayment of the principal of the bonds issued.

Sec. 3. Upon approval by a majority of the voters voting on the question pursuant to section 1 of this act, the Executive Director of the Department of

Taxation may request an allocation from the contingency fund pursuant to NRS 353.268 and 353.269 to cover any costs directly related to increases in taxes authorized by this act.

Sec. 4. This act becomes effective upon passage and approval.".

Amend the bill as a whole by deleting the preamble and adding a new preamble to read as follows:

"WHEREAS, The Board of Trustees of the Mineral County School District has been unable to find a means to replace the Schurz School for the 23 years since its condemnation and also needs to find the means to build other new school facilities and renovate existing school facilities in Mineral County; and

WHEREAS, The Schurz School population has grown at a rate of 20 percent per year for the past 2 years; and

WHEREAS, The Board of Trustees of the Mineral County School District considers the replacement of this school their top priority; and

WHEREAS, The legislature finds and declares that a general law cannot be made applicable to the situation because of these unique and special conditions; now, therefore,".

Amend the title of the bill to read as follows:

"An Act relating to the financing of public education; authorizing the board of county commissioners of Mineral County to propose a question concerning the increase of certain taxes for the support of a new school or schools to the voters; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes Mineral County to propose question concerning increase of certain taxes for support of new school or schools to voters. (BDR S-2108)".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblymen Marvel and Ernaut.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 461.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1353.

Amend the bill as a whole by renumbering sections 14 through 38 as sections 16 through 40 and adding new sections designated sections 14 and 15, following sec. 13, to read as follows:

"Sec. 14. NRS 450B.130 is hereby amended to read as follows:

450B.130 *1.* The board shall adopt regulations establishing reasonable minimum standards for:

[1. Training and qualification of attendants and firemen if the board determines that those regulations are necessary in addition to the statutory requirements for licensing those persons;

2.] *(a)* Sanitation in ambulances and air ambulances;

[3.] *(b)* Medical and nonmedical equipment and supplies to be carried in ambulances and air ambulances and medical equipment and supplies to be carried in vehicles of a fire-fighting agency;

[4.] *(c)* Interior configuration, design and dimensions of ambulances placed in service after July 1, 1979;

[5.] *(d)* Permits for operation of ambulances, air ambulances and vehicles of a fire-fighting agency;

[6.] *(e)* Records to be maintained by an operator of an ambulance or air ambulance or by a fire-fighting agency; and

[7.] *(f)* Treatment of patients who are critically ill or in urgent need of treatment.

2. The health officers of this state shall jointly adopt regulations to establish the minimum standards for the certification of emergency medical technicians. Upon adoption of the regulations, each health authority shall adopt the regulations for its jurisdiction. After each health authority adopts the regulations, the standards established constitute the minimum standards for certification of emergency medical technicians in this state. Any changes to the minimum standards must be adopted jointly by the health officers and by each health authority in the manner set forth in this subsection. Any changes in the minimum standards which are not adopted in the manner set forth in this subsection are void.

3. A health officer may adopt regulations that impose additional requirements for the certification of emergency medical technicians in his jurisdiction, but he must accept the certification of an emergency medical technician from the jurisdiction of another health officer as proof that the emergency medical technician has met the minimum requirements for certification.

Sec. 15. NRS 450B.140 is hereby amended to read as follows:

450B.140 1. In adopting regulations under NRS 450B.120 and 450B.130, the board may use standards and regulations proposed by:

(a) The committee on trauma of the American College of Surgeons;

(b) The United States Department of Transportation;

(c) The United States Public Health Service;

(d) The Bureau of Health Insurance of the Social Security Administration;

(e) The American Academy of Orthopaedic Surgeons;

(f) The National Academy of SciencesNational Research Council;

(g) The American Heart Association; and

(h) Regional, state and local emergency medical services committees and councils.

2. The board may establish different standards for commercial, volunteer, industrial and other categories of ambulances [, attendants] and fire-fighting agencies [and firemen] to reflect different circumstances and in the public interest.".

Amend sec. 15, page 4, line 11, by inserting an open bracket before "In".

Amend sec. 15, page 4, by deleting lines 15 through 27 and inserting:

"(b) Except as otherwise provided in this subsection, each]

7. Each licensed physician, registered nurse and certified physicians' assistant *who serves as an attendant* must have current certification of completion of [a course in:

(1)] *training in:*

(a) Advanced life-support procedures for patients who require cardiac care;

[(2)] *(b)* Life-support procedures for pediatric patients who require cardiac care; or

[(3)] *(c)* Life-support procedures for patients with trauma that are administered before the arrival of those patients at a hospital.

The certification must be issued by [a national organization which is nationally recognized for issuing such certification and is approved by the board. In lieu of having such current certification, the board may accept proof of the successful completion of equivalent training that is approved by the board.] *the board of medical examiners for a physician or certified physician's assistant or by the state board of nursing for a registered nurse.*

8. The board of medical examiners and the state board of nursing shall issue a certificate pursuant to subsection 7 if the licensed physician, certified physician's assistant or registered nurse attends:

(a) A course offered by a national organization which is nationally recognized for issuing such certification;

(b) Training conducted by the operator of an ambulance or air ambulance; or

(c) Any other course or training,

approved by the board of medical examiners or the state board of nursing, whichever is issuing the certificate. The board of medical examiners and the state board of nursing may require certification of training in all three areas set forth in subsection 7 for a licensed physician, certified physician's assistant or registered nurse who primarily serves as an attendant in a county whose population is 400,000 or more.".

Amend sec. 34, page 11, by deleting lines 1 through 43 and inserting:

"3. A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, dentist, podiatrist or advanced practitioner of nursing, or pursuant to a chart order, may possess and administer a controlled substance furnished for administration to a patient at another location.

[5.] *4.* An advanced emergency medical technician [as] *:*

(a) As authorized by regulation of [the] *:*

(1) The state board of health *in a county whose population is less than 100,000; or*

(2) A county or district board of health in a county whose population is 100,000 or more; and [in]

(b) In accordance with any applicable regulations of [the] *:*

(1) The state board of health *in a county whose population is less than 100,000;*

(2) A county board of health in a county whose population is 100,000 or more; or [a]

(3) A district board of health created pursuant to NRS 439.370 [.

6.] *in any county.*

5. A respiratory therapist, at the direction of a physician.

[7.] *6.* A medical student or student nurse in the course of his studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician or nurse.

A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

[8.] *7.* An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.

[9.] *8.* Any person designated by the head of a correctional institution.

[10.] *9.* An animal technician at the direction of his supervising veterinarian.

[11.] *10.* In accordance with applicable regulations of the state board of health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.".

Amend sec. 36, pages 12 and 13, by deleting lines 42 through 47 on page 12 and lines 1 through 45 on page 13 and inserting:

"454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.

2. A physician's assistant at the direction of his supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

3. A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, dentist, podiatrist or advanced practitioner of nursing, or pursuant to a chart order, may possess and administer such a drug or medicine furnished for administration to a patient at another location.

4. An intermediate emergency medical technician or an advanced emergency medical technician, as authorized by regulation of the state board of pharmacy and in accordance with any applicable regulations of [the] *:*

(a) The state board of health *in a county whose population is less than 100,000;*

(b) A county board of health in a county whose population is 100,000 or more; or [a]

(c) A district board of health created pursuant to NRS 439.370 [.] *in any county.*

5. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

6. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

7. A medical student or student nurse in the course of his studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

8. Any person designated by the head of a correctional institution.

9. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

10. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the board.

11. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the board.

12. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

13. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

14. In accordance with applicable regulations of the state board of health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

15. An animal technician at the direction of his supervising veterinarian.".

Amend the bill as a whole by deleting sec. 39 and renumbering sections 40 and 41 as sections 41 and 42.

Amend sec. 40, page 15, by deleting line 41 and inserting: "nurse, a registered nurse , *a certified physician's assistant, a certified intermediate emergency medical techni-*".

Amend sec. 40, page 15, line 45, after "tests" by inserting: "*or field blood tests*".

Amend sec. 41, page 16, by deleting line 1 and inserting:

"Sec. 42. Sections 15, 18, 19, 20, 34 and 36 of this act become effective at 12:01".

Amend the title of the bill, second line, after the semicolon by inserting: "requiring the health officers of this state to set the minimum standards for the certification of emergency medical technicians; clarifying the training required of certain attendants;".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 511.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1343.

Amend section 1, page 2, between lines 15 and 16, by inserting:

"*(c) Consult with a representative of:*

(1) The Nevada State Education Association;

(2) The Nevada Association of School Boards;

(3) The Nevada Association of School Administrators; and

(4) The Nevada Parent Teachers Association,

concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.".

Amend sec. 2, page 2, line 29, by deleting "1993." and inserting: "1993, and expires by limitation on July 1, 1997.".

Assemblyman Wendell Williams moved the adoption of the amendment.

Remarks by Assemblyman Wendell Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 552.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1344.

Amend the bill as a whole by deleting sec. 2 and inserting:

"Sec. 2. (Deleted by amendment.)".

Amend sec. 3, page 1, by deleting line 8 and inserting: "*state and federal law relating to elections in this state.*".

Amend the bill as a whole by deleting sections 4 and 5 and inserting:

"Secs. 4 and 5. (Deleted by amendment.)".

Amend sec. 6, page 2, line 36, by deleting "*such information.*" and inserting: "*a pamphlet upon payment of the applicable fee, if any. The secretary of state may impose a fee for the pamphlet in an amount not to exceed the cost to produce the pamphlet.*".

Amend the bill as a whole by deleting sec. 10 and inserting:

"Sec. 10. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 12 and inserting:

"Sec. 12. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 18 and 19 and inserting:

"Secs. 18 and 19. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 21 through 29 and inserting:

"Secs. 21-29. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 31 through 47 and inserting:

"Secs. 31-47. (Deleted by amendment.)".

Amend sec. 50, page 19, by deleting lines 26 through 28 and inserting:

"*(2) Assist the secretary of state in carrying out an investigation pursuant to section 3 of this act; and*".

Amend sec. 51, page 20, by deleting lines 11 through 13 and inserting:

"*9. Assist the secretary of state in carrying out an investigation pursuant to section 3 of this act.*".

Amend the title of the bill by deleting the second through sixth lines and inserting: "making various changes related to the procedures for filing".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 559.

Bill read second time.

The following amendment was proposed by Assemblyman Evans:

Amendment No. 1339.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 439B.200 is hereby amended to read as follows:

439B.200 1. There is hereby established a legislative committee on health care consisting of three members of the senate and three members of the assembly, appointed by the legislative commission. The members must be appointed with appropriate regard for their experience with and knowledge of matters relating to health care.

2. No member of the committee may:

(a) Have a financial interest in a health facility in this state;

(b) Be a member of a board of directors or trustees of a health facility in this state;

(c) Hold a position with a health facility in this state in which the legislator exercises control over any policies established for the health facility; or

(d) Receive a salary or other compensation from a health facility in this state.

[This subsection does not prohibit]

3. The provisions of subsection 2 do not:

(a) Prohibit a member of the committee from selling goods which are not unique to the provision of health care to a health facility if the member primarily sells such goods to persons who are not involved in the provision of health care.

[3.] *(b) Prohibit a member of the legislature from serving as a member of the committee if:*

(1) The financial interest, membership on the board of directors or trustees, position held with the health facility or salary or other compensation received would not materially affect the independence of judgment of a reasonable person; and

(2) Serving on the committee would not materially affect any financial interest he has in a health facility in a manner greater than that accruing to any other person who has a similar interest.

4. The legislative commission shall select the chairman and vice chairman of the committee from among the members of the committee. Each such officer shall hold office for a term of 2 years commencing on July 1 of each odd-numbered year. The chairmanship of the committee must alternate each biennium between the houses of the legislature.

[4.] *5.* Any member of the committee who does not return to the legislature continues to serve until the next session of the legislature convenes.

[5.] *6.* Vacancies on the committee must be filled in the same manner as original appointments.

[6.] *7.* The committee shall report annually to the legislative commission concerning its activities and any recommendations.".

Amend section 1, page 2, line 13, by deleting the colon and inserting: ", with the consent of the interim finance committee:".

Amend the bill as a whole by renumbering sec. 2 as sec. 3.

Amend the preamble of the bill, page 1, by deleting line 1 and inserting:

"WHEREAS, The legislative committee on health care provides continuous oversight of matters relating to health care; and

WHEREAS, It is important to encourage participation on the legislative committee on health care of persons with the appropriate experience and knowledge of matters relating to health care; and

WHEREAS, The cost for medical care coverage for Medicaid-eligible".

Amend the title of the bill, first line, after "welfare;" by inserting: "revising the statute governing the qualifications of members of the legislative committee on health care;".

Amend the summary of the bill to read as follows:

"Summary—Makes changes relating to legislative committee on health care and provides for establishment of coordinated care program for recipients of Medicaid. (BDR 40-618)".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Senate Bills Nos. 381, 542, 544, 563 be taken from their position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 206.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Assembly Bill No. 206:

YEAS—39.

NAYS—Bennett, Bonaventura, Porter—3.

Assembly Bill No. 206 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 295.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1350.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 10 and the text of the repealed sections, following the enacting clause, to read as follows:

"Section 1. NRS 370.005 is hereby amended to read as follows:

370.005 "Basic cost of cigarettes" means the *manufacturer's* invoice [or replacement] cost of cigarettes *by carton* to the wholesale dealer in the quantity last purchased, [whichever is lower, plus the full value of any cigarette revenue stamps that are affixed to the packages, packets or containers of cigarettes, if not included in the invoice cost, less all trade discounts, except cash discounts.] *less all allowances in an amount not exceeding 2.5 percent of the invoice cost of cigarettes by carton, plus the full value of any cigarette revenue stamps that are affixed to the packages, packets or containers of cigarettes, if not included in the invoice cost of cigarettes by carton.*

Sec. 2. NRS 370.027 is hereby amended to read as follows:

370.027 "Cost to the wholesale dealer" means the basic cost of cigarettes to the wholesale dealer [plus the cost of doing business by the wholesale dealer as evidenced by the standards and methods of accounting regularly employed by the wholesale dealer in the determination of costs for the purpose of reporting federal income tax for the total operation of his establishment, and includes costs for labor, salaries of executives and officers, rent, depreciation, sales, maintenance of equipment, delivery, interest payable, licenses, taxes, insurance and advertising, expressed as a percentage of and applied to the basic cost of cigarettes.] , *except as otherwise provided in this chapter.*

Sec. 3. NRS 370.210 is hereby amended to read as follows:

370.210 A person shall not affix cigarette revenue stamps or metered machine impressions to any package, packet or container of cigarettes except upon the premises described in the license of a cigarette dealer [within this state,] or upon other premises [within this state] where authorized by regulation.

Sec. 4. NRS 370.255 is hereby amended to read as follows:

370.255 Each dealer authorized to purchase or affix cigarette revenue stamps shall maintain records of all cigarettes received, sold or distributed by him. Each dealer shall also obtain and keep receipts, freight bills, invoices and other documents necessary to substantiate his records. Records and documents shall be kept at the dealer's place of business [in Nevada] for not less than 4 years unless the department authorizes, in writing, their earlier removal or destruction.

Sec. 5. NRS 370.371 is hereby amended to read as follows:

370.371 1. A wholesale dealer shall not [,] *engage in predatory pricing* with intent to injure competitors or destroy or lessen competition substantially [:

(a) Advertise, offer to sell or sell] *by:*

(a) Advertising, offering to sell or selling at wholesale, cigarettes at less than the cost to the wholesale dealer; or

(b) [Offer] *Offering* any rebate or concession in price or [give] *giving* any rebate or concession in price in connection with the sale of cigarettes.

2. A retail dealer shall not [:

(a) Induce, attempt to induce, procure or attempt] *engage in predatory pricing with the intent to injure competitors or destroy or lessen competition substantially by:*

(a) Inducing, attempting to induce, procuring or attempting to procure the purchase of cigarettes at a price less than the cost to the wholesale dealer; or

(b) [Induce, attempt to induce, procure or attempt] *Inducing, attempting to induce, procuring or attempting* to procure any rebate or concession in connection with the purchase of cigarettes.

3. A person who violates the provisions of this section shall be punished by a fine of not more than $50 for each offense.

4. Evidence of:

(a) An advertisement, an offer to sell or the sale of cigarettes by a wholesale dealer at less than the cost to him;

(b) An offer of a rebate in price, the giving of a rebate in price, an offer of a concession or the giving of a concession in connection with the sale of cigarettes; or

(c) The inducement, attempt to induce, procurement or attempt to procure the purchase of cigarettes at a price less than the cost to the wholesale dealer,

is prima facie evidence of intent and likelihood to injure competition and to destroy or lessen competition substantially.

Sec. 6. NRS 370.3715 is hereby amended to read as follows:

370.3715 The executive director may adopt regulations for the enforcement of NRS 370.371 to 370.379, inclusive . [, and may undertake a survey of costs for the purposes of NRS 370.377 upon request by a wholesale dealer.]

Sec. 7. NRS 370.372 is hereby amended to read as follows:

370.372 [1.] In determining the cost of cigarettes to a wholesale dealer:

[(a)] *1.* A fractional part of a cent amounting to 1/10 of 1 cent or more in cost to the wholesale dealer per carton of 10 packages of cigarettes must be rounded off to the next higher cent.

[(b) Merchandise given without charge or a payment made to a wholesale dealer by a manufacturer for display, advertising or promotional purposes must not be considered.

(c)] *2.* The invoice cost of cigarettes purchased at a forced sale, bankruptcy sale, closeout sale or other sale outside of the ordinary channels of trade must not be used to justify a price lower than the replacement cost of cigarettes to the wholesale dealer in the quantity last purchased through the ordinary channels of trade.

[2. In the absence of proof of a lower or higher cost of doing business by a wholesale dealer, the cost of doing business is the dealer's average cost of operation, expressed as a percentage of the basic cost of cigarettes.]

Sec. 8. NRS 370.373 is hereby amended to read as follows:

370.373 [If a wholesale dealer sells cigarettes to another wholesale dealer, the seller is not required to charge the cost to the wholesale dealer, but the sale price must not be less than the basic cost of cigarettes.] A wholesale dealer who sells cigarettes bought from another wholesale dealer to a retail dealer, or for use or consumption, shall be deemed to be making a sale at wholesale.

Sec. 9. NRS 370.374 is hereby amended to read as follows:

370.374 1. A wholesale dealer may advertise, offer to sell or sell cigarettes at a price made in good faith to meet the lawful price of a competitor who is rendering the same type of service and is selling the same article at cost to him as a wholesale dealer.

2. The price of cigarettes advertised, offered for sale or sold under an exception specified in NRS 370.3735 or at a bankruptcy sale is not the price of a competitor for the purposes of this section.

3. In the absence of proof of the price of a competitor, the lowest cost to the wholesale dealer determined by a survey of costs that [meets the requirements of NRS 370.377] *is made in accordance with recognized statistical and cost-accounting practices for a trade area* shall be deemed the price of a competitor.

Sec. 10. NRS 370.3745 and 370.377 are hereby repealed.

TEXT OF REPEALED SECTIONS

370.3745 Determination of cost to wholesale dealer. In determining cost to the wholesale dealer, the department or a court may consider evidence tending to show that a person purchased cigarettes at a fictitious price, upon terms, in a manner, or under invoices, to conceal the true cost,

discount or terms of purchase. The department or the court may consider evidence of the normal, customary and prevailing terms and discounts in connection with other sales of a similar nature made in:

1. An area of trade within this state; or
2. The entire state.

370.377 Survey of costs. If a survey of costs has been made in accordance with recognized statistical and cost-accounting practices for a trading area to establish the lowest cost to a wholesale dealer, the survey is competent evidence of the lowest cost to a wholesale dealer for the purposes of NRS 370.371 to 370.379, inclusive.".

Amend the title of the bill to read as follows:

"An Act relating to cigarettes; revising provisions regarding the sale of cigarettes by wholesale dealers; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions regarding sale of cigarettes by wholesale and retail dealers. (BDR 32-1181)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 378.

Bill read third time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1294.

Amend the bill as a whole by deleting sections 1 through 4 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

"Section 1. 1. The legislative commission shall appoint a committee to conduct an interim study concerning the financing of the construction, maintenance and repair of highways and roads in this state.

2. The committee must consist of:

(a) Four members of the Senate, with two members appointed from the standing committee on transportation and two members appointed from the standing committee on taxation; and

(b) Four members of the Assembly, with two members appointed from the standing committee on transportation and two members appointed from the standing committee on taxation.

Sec. 2. 1. The committee may appoint an advisory committee consisting of members of the general public as necessary to carry out the study. The committee shall not appoint any person to the advisory committee who has:

(a) A substantial financial interest in, or whose employment involves, the construction, maintenance or repair of highways or roads in this state; or

(b) A substantial financial interest in, or connection to, any business or industry involving transportation on the highways of this state which, because of its substantial use of these highways or the weight of its vehicles,

may be subject to pay substantially more than the general public in fees and taxes imposed to finance the construction, maintenance or repair of these highways.

2. The members of the advisory committee serve without salary, but are entitled, for attendance at a meeting of the committee created pursuant to this section or section 1 of this act, to payment from the legislative fund for the per diem allowances and travel expenses provided to state officers and employees generally.

Sec. 3. 1. The study must be completed on or before September 1, 1994.

2. The legislative commission shall report the results of the study and any recommended legislation to the 68th session of the Nevada legislature.

Sec. 4. 1. There is hereby appropriated from the state highway fund to the legislative fund the sum of $15,000, which may be used only to carry out the provisions of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1995, and reverts to the state highway fund as soon as all payments of the money committed have been made.

Sec. 5. This act becomes effective upon passage and approval.".

Amend the bill as a whole by adding a preamble following the title of the bill and before the enacting clause, to read as follows:

"WHEREAS, The present tax and funding structure for highways in the State of Nevada has been eroded because of more fuel-efficient vehicles and the instability of available federal money; and

WHEREAS, The department of transportation has reported a significant shortfall in its ability to meet its long-term plan for the construction and maintenance of highways and roads in this state; and

WHEREAS, The need for the repair and maintenance of these highways and roads has been escalated because of the growth of population, the expansion of businesses and the increase in the use of our highways for interstate travel; and

WHEREAS, The present tax and fee structure for funding highway construction, maintenance and repair lacks stability and has become inadequate in addressing this critical component of the state's infrastructure; now, therefore,".

Amend the title of the bill to read as follows:

"An Act relating to transportation; directing the legislative commission to conduct an interim study concerning the financing of the construction, maintenance and repair of highways and roads in this state; providing an appropriation; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Directs legislative commission to conduct interim study concerning financing of construction, maintenance and repair of highways and roads in Nevada. (BDR S-135)".

Assemblyman Myrna Williams moved the adoption of the amendment.

Remarks by Assemblyman Myrna Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 409.

Bill read third time.

Remarks by Assemblymen Arberry and Lambert.

Assemblyman Porter moved that Assembly Bill No. 409 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assembly Bill No. 681.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1346.

Amend sec. 140, page 43, lines 30 and 31, by deleting: "*the commissioner or*".

Amend sec. 145, pages 46, 47 and 48, by deleting lines 36 through 45 on page 46, lines 1 through 51 on page 47, and lines 1 through 4 on page 48, and inserting:

"Sec. 145. (Deleted by amendment.)".

Amend sec. 207, page 66, by deleting lines 30 through 32 and inserting: "695E.200, this chapter applies to all direct insurance, except:

1. Life, annuity, health or disability insurance;
2. Mortgage guaranty, financial guaranty or other forms of insurance offering protection against investment risks;
3. Fidelity or surety bonds or any other bonding obligations;
4. Credit insurance as defined in NRS 690A.015;
5. Insurance of warranties or service contracts;
6. Title insurance;
7. Ocean marine insurance;
8. Any transaction or combination of transactions between a person, including affiliates of the person, and an insurer, including affiliates of the insurer, which involves the transfer of investment or credit risk unaccompanied by transfer of insurance risk; or
9. Any insurance provided by or guaranteed by a governmental entity.".

Amend sec. 223, page 75, by deleting line 7 and inserting: "*acquired insurer's net revenue during the year immediately preceding the year in which the application for change of control is filed with the commissioner pursuant to subsection 1.*".

Amend sec. 262, page 83, line 37, after "201" by inserting: "to 206, inclusive, 208".

Amend sec. 262, page 83, between lines 37 and 38, by inserting:

"2. Section 207 of this act becomes effective at 12:01 a.m. on October 1, 1993.".

Amend sec. 262, page 83, line 38, by deleting "2." and inserting "3.".

Amend sec. 262, page 83, line 39, by deleting "3." and inserting "4.".

Amend sec. 262, page 83, line 43, by deleting "4." and inserting "5.".

Assemblyman Porter moved the adoption of the amendment.
Remarks by Assemblyman Porter.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 174.
Bill read third time.
Remarks by Assemblyman Bennett.
Roll call on Senate Bill No. 174:
YEAS—41.
NAYS—Humke.

Senate Bill No. 174 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 381.
Bill read third time.
Remarks by Assemblyman Lambert.
Roll call on Senate Bill No. 381:
YEAS—39.
NAYS—Anderson, Evans, Myrna Williams—3.

Senate Bill No. 381 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 542.
Bill read third time.
Remarks by Assemblyman Garner.
Roll call on Senate Bill No. 542:
YEAS—42.
NAYS—None.

Senate Bill No. 542 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 544.
Bill read third time.
Remarks by Assemblyman Segerblom.
Roll call on Senate Bill No. 544:
YEAS—41.
NAYS—Heller.

Senate Bill No. 544 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 563.
Bill read third time.

Roll call on Senate Bill No. 563:
YEAS—38.
NAYS—Anderson, Bonaventura, Evans, Perkins—4.

Senate Bill No. 563 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 409.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Assembly Bill No. 409:
YEAS—42.
NAYS—None.

Assembly Bill No. 409 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 221 declared an emergency measure under the Constitution and placed on third reading and final passage.
Remarks by Assemblyman Porter.
Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 221.
Bill read third time.
Remarks by Assemblymen Marvel and Carpenter.
Assemblyman Arberry moved that Senate Bill No. 221 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Arberry.
Motion carried.

Assemblyman Porter moved that the Assembly recess until 5:30 p.m.
Motion carried.

Assembly in recess at 3:38 p.m.

ASSEMBLY IN SESSION

At 6:25 p.m.
Mr. Speaker presiding.
Quorum present.

REMARKS FROM THE FLOOR

Assemblyman Humke requested that his remarks be entered in the Journal.

Please allow me to comment on my vote on Senate Bill No. 174, second reprint, which deals with the open meeting law changes. I was listed as a "no" vote when the bill was

voted on on General File during this legislative day. During the rush of end-of-session activity, I found too late that I wanted to vote "yes" instead of "no." When I attempted to change my vote by pushing the green button, the vote was already locked in. Since this legislative day is intended to be the final legislative day with a motion to adjourn *sine die* in a matter of hours, I did not wish to move to rescind the vote whereby Senate Bill No. 174, second reprint, was passed in order that I could vote again. I did not want to take up the valuable legislative time with such a motion. Therefore, I ask that the record reflect that I fully intended to vote "yes" on this measure because I have always been a strong advocate of our state's open meeting laws, and improvements thereto. I sincerely regret the inconvenience that this situation may have caused you or the staff. Thank you.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 566, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 555, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

GENE T. PORTER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 1, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 219, 321, 645, 665.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 4, 27, 157, 170, 176, 323, 358, 359, 494, 520, 593, 612, 680, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 138 and requests a conference, and appointed Senators O'Donnell, Nevin and Jacobsen as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 468 and requests a conference, and appointed Senators Rawson, Raggio and Brown as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the reports of the first Committees on Conference concerning Assembly Bills Nos. 148, 327, 379, 444, 722.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 498, 560, 561.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 23, 107, 154, 218, 250, 262, 265, 399, 402, 434, 452, 473, 474, 495, 533; Senate Joint Resolution No. 27.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 41.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 5.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bache, Segerblom and Augustine as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 138.

Mr. Speaker appointed Assemblymen Wendell Williams, Bennett and Lambert as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 468.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 5:

Assemblyman Porter moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

Senate Concurrent Resolution No. 43.

Assemblyman Porter moved the adoption of the resolution.

Remarks by Assemblyman Porter.

Resolution adopted, as amended.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 498.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 560.

Assemblyman Porter moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 561.

Assemblyman Porter moved that the bill be referred to the Committee on Transportation.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 244, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 9, which is attached to and hereby made a part of this report.

ROBERT M. SADER	MARK A. JAMES
CHRIS GIUNCHIGLIANI	R. HAL SMITH
STEPHANIE SMITH	RAYMOND C. SHAFFER
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 9.

Amend sec. 3, page 2, line 19, by deleting the period and inserting:", *including but not limited to the victim's photograph, likeness, name, address or telephone number.*".

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 244.

Remarks by Assemblyman Sader.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 79, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 11, which is attached to and hereby made a part of this report.

ROBERT M. SADER	DIANA M. GLOMB
MICHAEL A. SCHNEIDER	MARK A. JAMES
JOHN C. CARPENTER	R. HAL SMITH
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 11.

Amend the bill as a whole by deleting sec. 2.

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 79.

Remarks by Assemblyman Sader.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 4.

The following Senate amendment was read:

Amendment No. 1282.

Amend section 1, page 2, line 2, by deleting "*for compensation*".

Amend sec. 2, page 2, line 20, by deleting "legislator," and inserting: "legislator [,] *or an organization whose primary purpose is to provide support for legislators of a particular political party and house,*".

Amend sec. 2, page 2, by deleting lines 23 through 30 and inserting: "*tion, the report must identify each legislator and each organization whose primary purpose is to provide support for legislators of a particular political party and house on whose behalf expenditures were made and, if subsection 2 is applicable, must be itemized with respect to each such legislator and organization in the manner required by that subsection. An expenditure on behalf of a person other than a legislator or an organization whose primary purpose is to provide support for legislators of a particular political party and house need not be reported pursuant to this section unless the expenditure is made for the benefit of a legislator or such an organization.*".

Amend sec. 2, page 2, line 38, by deleting "loans;" and inserting: "loans [;] , *including money, services and anything of value provided to a legislator, to an organization whose primary purpose is to provide support for legislators of a particular political party and house, or to any other person for the benefit of a legislator or such an organization;*".

Assemblyman Price moved that the Assembly concur in the Senate amendment to Assembly Bill No. 4.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 6:37 p.m.

ASSEMBLY IN SESSION

At 6:39 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Price withdrew his motion.

Assemblyman Myrna Williams moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 4.

Remarks by Assemblyman Myrna Williams.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 176.

The following Senate amendment was read:

Amendment No. 1273.

Amend sec. 3, page 3, line 3, after "*area.*" by inserting: "*The closure or abandonment of a public road by the board does not prohibit or restrict the use of that road by a governmental agency or a public utility regulated by the public service commission of Nevada for the maintenance, construction or operation of a facility of the agency or utility.*".

Assemblyman Spitler moved that the Assembly concur in the Senate amendment to Assembly Bill No. 176.

Remarks by Assemblyman Spitler.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 27.

The following Senate amendment was read:

Amendment No. 1252.

Amend sec. 6, page 4, line 14, after the period by inserting: "*The names of the persons must be listed in the order of their examination scores, with the name of the person with the highest score listed first.*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 27.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 359.

The following Senate amendment was read:

Amendment No. 1095.

Amend sec. 2, page 1, lines 8 and 9, by deleting: "*personnel or the department of transportation;*" and inserting "*personnel;*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 359.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 593.

The following Senate amendment was read:

Amendment No. 1249.

Amend section 1, page 1, line 7, by deleting: "*at least 72 hours*" and inserting: "*within a reasonable time*".

Amend section 1, page 1, by deleting lines 9 through 11 and inserting: "*may result in punitive action, provide written notice to the officer if practical under the circumstances.*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 593.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 323.

The following Senate amendment was read:

Amendment No. 1063.

Amend sec. 2, page 1, line 16, by deleting "*One-sixth*" and inserting "*One-third*".

Amend sec. 2, page 1, line 23, by deleting "*highway*" and inserting "*general*".

Assemblyman Price moved that the Assembly concur in the Senate amendment to Assembly Bill No. 323.

Remarks by Assemblymen Price, Augustine, Collins and Ernaut.

Assemblymen Arberry, Myrna Williams and Marvel moved the previous question.

Motion carried.

The question being on the motion to concur in Senate Amendment No. 1063 to Assembly Bill No. 323.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 170.

The following Senate amendment was read:

Amendment No. 1312.

Amend section 1, page 1, by deleting lines 6 through 9 and inserting: "*board of examiners of the total amount to be granted.*".

Amend section 1, page 2, by deleting lines 7 through 18 and inserting:

"*5. The amount of financial assistance granted pursuant to this section must not exceed $2,500,000. The total face amount of the bonds issued pursuant to this section must not exceed the sum of:*

(a) The amount of financial assistance granted pursuant to this section; and

(b) The amount necessary to pay the expenses related to the issuance of the bonds, which must not exceed 2 percent of the face amount of the bonds sold.".

Amend the bill as a whole by deleting sec. 6 and renumbering sections 7 through 9 as sections 6 through 8.

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 170.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that Senate Bill No. 221 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Carpenter.

Motion carried.

Assemblyman Porter moved that for the balance of the session, all rules be suspended and that all bills and resolutions passed by the Assembly be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Porter moved that Assembly Bills Nos. 193, 295 be placed on the General File.

Motion carried.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bills Nos. 354, 398, 566 declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Porter moved that Senate Bill No. 555 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 555.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1359.

Amend section 1, page 1, line 19, after "*A*" by inserting "*nonprofit*".

Amend the title of the bill, third line, after "exempting" by inserting "nonprofit".

Amend the summary of the bill, first line, after "exempts" by inserting "nonprofit".

Assemblyman Porter moved the adoption of the amendment.

Remarks by Assemblyman Porter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 221.

Bill read third time.

The following amendment was proposed by Assemblyman Carpenter:

Amendment No. 1364.

Amend section 1, page 1, line 2, by deleting "9," and inserting "7,".

Amend sec. 2, page 1, line 3, by deleting "9," and inserting "7,".

Amend sec. 7, page 2, by deleting lines 45 through 47 and inserting:

"*(c) Consider the average number of days that legislators serve during their term, the amount of work required of legislators when the legislature is not in regular session, and the opportunities they have to earn additional income from outside sources.*".

Amend sec. 9, page 3, line 9, by deleting "9," and inserting "7,".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:06 p.m.

ASSEMBLY IN SESSION

At 7:45 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 746.

The following Senate amendment was read:

Amendment No. 1153.

Amend sec. 8, pages 5 and 6, by deleting lines 46 and 47 on page 5 and lines 1 and 2 on page 6.

Amend the bill as a whole by deleting sec. 9 and inserting:

"Sec. 9. (Deleted by amendment.)".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 746.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 756.

The following Senate amendment was read:

Amendment No. 1222.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 2, page 2, line 15, by deleting: "*pursuant to section 1 of this act.*" and inserting "*of insurance.*".

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 3.

Amend sec. 5, pages 3 and 4, by deleting line 46 on page 3 and line 1 on page 4 and inserting: "*the commissioner of insurance to sell annuities. As used in this*".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 5, to read as follows:

"Sec. 4. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"An Act relating to banks; authorizing the licensure of banks by the commissioner of insurance to sell annuities; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes licensure of banks by commissioner of insurance to sell annuities. (BDR 55-2136)".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 756.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 494.

The following Senate amendment was read:

Amendment No. 1147.

Amend sec. 4, page 2, line 12, by deleting "*which is*" and inserting "*which has*".

Amend sec. 4, page 2, by deleting lines 13 through 18.

Amend sec. 4, page 2, line 19, by deleting "*3. Has*".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 494.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 520.

The following Senate amendment was read:

Amendment No. 1111.

Amend section 1, pages 1 and 2, by deleting lines 8 through 25 on page 1 and lines 1 through 38 on page 2 and inserting: "property be made, and:

(a) One spouse has been admitted to a facility for skilled nursing or facility for intermediate care;

(b) The treating physician of the spouse who is to be admitted to a facility for skilled nursing or facility for intermediate care has issued an opinion, in writing, that it is imminent that the spouse will be so admitted; or

(c) A division of the income or property would allow one spouse to qualify for services under NRS 427A.250 to 427A.280, inclusive.] *pursuant to this section if one spouse is an institutionalized spouse and the other spouse is a community spouse.*

2. The court shall not enter such a decree if the division is contrary to a premarital agreement between the spouses which is enforceable pursuant to chapter 123A of NRS.

3. *Unless modified pursuant to subsection 4 or 5, the court may divide the income and resources:*

(a) Equally between the spouses; or

(b) By protecting income for the community spouse through application of the maximum federal minimum monthly maintenance needs allowance set forth in 42 U.S.C. § 1396r-5(d)(3)(C) and by permitting a transfer of resources to the community spouse an amount which does not exceed the amount set forth in 42 U.S.C. § 1396r-5(f)(2)(A)(ii).

4. If either spouse establishes that the community spouse needs income greater than that otherwise provided under paragraph (b) of subsection 3, upon finding exceptional circumstances resulting in significant financial duress and setting forth in writing the reasons for that finding, the court may enter an order for support against the institutionalized spouse for the support of the community spouse in an amount adequate to provide such additional income as is necessary.

5. If either spouse establishes that a transfer of resources to the community spouse pursuant to paragraph (b) of subsection 3, in relation to the amount of income generated by such a transfer, is inadequate to raise the income of the community spouse to the amount allowed under paragraph (b) of subsection 3 or an order for support issued pursuant to subsection 4, the court may substitute an amount of resources adequate to provide income to fund the amount so allowed or to fund the order for support.

6. A copy of a petition for relief under subsection 4 or 5 and any court order issued pursuant to such a petition must be served on the state welfare administrator when any application for medical assistance is made by or on behalf of an institutionalized spouse. He may intervene no later than 45 days after receipt by the welfare division of the department of human resources of an application for medical assistance and a copy of the petition and any order entered pursuant to subsection 4 or 5, and may move to modify the order.

7. A person may enter into a written agreement with his spouse dividing their community income, assets and obligations into equal shares of separate income, assets and obligations of the spouses. Such an agreement is effective only if one spouse is [admitted to a facility for skilled nursing or a facility for intermediate care] *an institutionalized spouse and the other spouse is a*

community spouse or a division of the income or [property] *resources* would allow one spouse to qualify for services under NRS 427A.250 to 427A.280, inclusive.

[4. Upon the entrance of such a decree, or at the time such an agreement becomes effective, the separate income or property of each spouse is not liable for the costs of supporting the other spouse, including the costs of the necessities of life or medical care.

5.] *8.* An agreement [or decree] entered into *or decree entered* pursuant to this section may not be binding on the welfare division of the department of human resources in making determinations under the state plan for assistance to the medically indigent.

9. As used in this section, "community spouse" and "institutionalized spouse" have the meanings respectively ascribed to them in 42 U.S.C. § 1369r-5.".

Amend the bill as a whole by deleting sec. 2.

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 520.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 612.

The following Senate amendment was read:

Amendment No. 1310.

Amend sec. 8, page 4, line 11, by deleting "*unit*" and inserting "*unit's*".

Amend sec. 8, page 4, line 20, by deleting "*unit owner*" and inserting "*owner*".

Amend sec. 8, page 4, by deleting lines 24 through 26 and inserting: "*that owner's liability for common expenses bears to the liabilities for common expenses of all owners whose units are subject to the lien. After payment, the association may not assess or have a lien against that owner's unit for*".

Amend sec. 16, page 6, line 4, by deleting "*common-interest*" and inserting "*planned*".

Amend the bill as a whole by deleting sections 17 and 18 through 20 and inserting:

"Secs. 17-19. (Deleted by amendment.)

Sec. 20. NRS 116.2104 is hereby amended to read as follows:

116.2104 A description of a unit which sets forth the name of the common-interest community, the file number and book *or other information to show* where the declaration is recorded, the county in which the common-interest community is located and the identifying number of the unit, is a legally sufficient description of that unit and all rights, obligations and interests appurtenant to that unit which were created by the declaration or bylaws.".

Amend sec. 21, page 7, by deleting line 28 and inserting: "116.2115 and 116.2116 and [subsection 4 of NRS 116.3103.] *section 2 of this act.*".

Amend the bill as a whole by renumbering sec. 30 as sec. 27 and sec. 27 as sec. 28, and placing in correct order.

Amend sections 28 and 29, page 14, by deleting line 36 and inserting:

"Sec. 29. NRS 116.3104 is hereby amended to read as follows:

116.3104 1. A special declarant's right (NRS 116.110385) created or reserved under this chapter may be transferred only by an instrument evidencing the transfer recorded in every county in which any portion of the common-interest community is located. The instrument is not effective unless executed by the transferee.

2. Upon transfer of any special declarant's right, the liability of a transferor declarant is as follows:

(a) A transferor is not relieved of any obligation or liability arising before the transfer and remains liable for warranties imposed upon him by this chapter. Lack of privity does not deprive any unit's owner of standing to maintain an action to enforce any obligation of the transferor.

(b) If a successor to any special declarant's right is an affiliate of a declarant (NRS 116.11031), the transferor is jointly and severally liable with the successor for any obligations or liabilities of the successor relating to the common-interest community.

(c) If a transferor retains any special declarant's rights, but transfers other special declarant's rights to a successor who is not an affiliate of the declarant, the transferor is liable for any obligations or liabilities imposed on a declarant by this chapter or by the declaration relating to the retained special declarant's rights and arising after the transfer.

(d) A transferor has no liability for any act or omission or any breach of a contractual obligation or warranty arising from the exercise of a special declarant's right by a successor declarant who is not an affiliate of the transferor.

3. Unless otherwise provided in a mortgage, deed of trust or other agreement creating a security interest, in case of foreclosure of a security interest, sale by a trustee under an agreement creating a security interest, tax sale, judicial sale or sale under the Bankruptcy Code or a receivership, of any units owned by a declarant or real estate in a common-interest community subject to developmental rights, a person acquiring title to all the property being foreclosed or sold, but only upon his request, succeeds to all special declarant's rights related to that property held by that declarant, or only to any rights reserved in the declaration pursuant to NRS 116.2115 and held by that declarant to maintain models, offices for sales and signs. The judgment or instrument conveying title must provide for transfer of only the special declarant's rights requested.

4. Upon foreclosure of a security interest, sale by a trustee under an agreement creating a security interest, tax sale, judicial sale or sale under the Bankruptcy Code or a receivership of all interests in a common-interest community owned by a declarant:

(a) The declarant ceases to have any special declarant's rights; and

(b) The period of declarant's control [(subsection 4 of NRS 116.3103)] *(section 2 of this act)* terminates unless the judgment or instrument conveying title provides for transfer of all special declarant's rights held by that declarant to a successor declarant.

Sec. 30. NRS 116.31043 is hereby amended to read as follows:

116.31043 The liabilities and obligations of a person who succeeds to special declarant's rights are as follows:

1. A successor to any special declarant's right who is an affiliate of a declarant is subject to all obligations and liabilities imposed on the transferor by this chapter or by the declaration.

2. A successor to any special declarant's right, other than a successor described in subsection 3 or 4 or a successor who is an affiliate of a declarant, is subject to the obligations and liabilities imposed by this chapter or the declaration:

(a) On a declarant which relate to the successor's exercise or nonexercise of special declarant's rights; or

(b) On his transferor, other than:

(1) Misrepresentations by any previous declarant;

(2) Warranties on improvements made by any previous declarant, or made before the common-interest community was created;

(3) Breach of any fiduciary obligation by any previous declarant or his appointees to the executive board; or

(4) Any liability or obligation imposed on the transferor as a result of the transferor's acts or omissions after the transfer.

3. A successor to only a right reserved in the declaration to maintain models, offices for sales and signs (NRS 116.2115), may not exercise any other special declarant's right, and is not subject to any liability or obligation as a declarant, except the obligation to provide a public offering statement and any liability arising as a result thereof.

4. A successor to all special declarant's rights held by a transferor who succeeded to those rights pursuant to a deed or other instrument of conveyance in lieu of foreclosure or a judgment or instrument conveying title under subsection 3 of NRS 116.3104, may declare in a recorded instrument the intention to hold those rights solely for transfer to another person. Thereafter, until transferring all special declarant's rights to any person acquiring title to any unit or real estate subject to developmental rights owned by the successor, or until recording an instrument permitting exercise of all those rights, that successor may not exercise any of those rights other than any right held by his transferor to control the executive board in accordance with [subsection 4 of NRS 116.3103] *section 2 of this act* for the duration of any period of declarant's control, and any attempted exercise of those rights is void. So long as a successor declarant may not exercise special declarant's rights under this subsection, the successor declarant is not subject to any liability or obligation as a declarant other than liability for his acts and omissions under [subsection 4 of NRS 116.3103.] *section 2 of this act.*".

Amend sec. 35, page 17, line 28, by deleting "[(l)] *(k)*" and inserting "*(l)*".

Amend sec. 36, page 18, by deleting line 4 and inserting: "expenses , *including a reserve,*".

Amend sec. 41.5, page 21, line 44, by deleting "*If*" and inserting: "*Except as otherwise provided in section 49 of this act, if*".

Amend sec. 46, page 24, by deleting lines 22 and 23 and inserting: "a contract to purchase the unit; [or

3.] *(c) Released to the declarant for an additional item, improvement, optional item or alteration, but the amount so released:*

(1) Must not exceed the lesser of the amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for the purpose; and

(2) Must be credited upon the purchase price; or

(d) Refunded to the purchaser.".

Amend the bill as a whole by renumbering sec. 49 as sec. 52 and adding new sections designated sections 49 through 51, following sec. 48, to read as follows:

"Sec. 49. Chapter 119A of NRS is hereby amended by adding thereto a new section to read as follows:

If a matter governed by this chapter is also governed by chapter 116 of NRS, compliance with the provisions of chapter 116 of NRS governing the matter which are in addition to or different from the provisions in this chapter governing the same matter is not required. In the event of a conflict between provisions of this chapter and chapter 116 of NRS, the provisions of this chapter prevail.

Sec. 50. NRS 119A.520 is hereby amended to read as follows:

119A.520 1. Each owner is a member of the association for the time-share project. The association may be incorporated.

2. The state of incorporation may be:

(a) This state;

(b) The state in which the time-share project is located; or

(c) Any state where the developer has obtained a permit to sell time shares under statutes which govern the sale of time shares.

3. The developer shall transfer to the owners the control of the association within 120 days after 80 percent of the time shares have been sold.

4. Except as *otherwise* provided in NRS [78.355,] *82.321,* any proxy which is executed by an owner to an association is valid for an indefinite period if the owner may revoke his proxy, by written notice to the association, to vote at a particular meeting.

Sec. 51. NRS 278.374 is hereby amended to read as follows:

278.374 1. [A] *Except as otherwise provided in subsection 2, a* final map presented for filing shall include a certificate signed and acknowledged, in the manner provided in section 14 or 15 of [this act,] *Assembly Bill No. 362 of this session,* by any person who is the owner of the land:

(a) Consenting to the preparation and recordation of the final map.

(b) Offering for dedication that part of the land which the person wishes to dedicate for public use, subject to any reservation contained therein.

(c) Reserving any parcel from dedication.

(d) Granting any permanent easement for utility installation or access, as designated on the final map, together with a statement approving such easement, signed by the public utility or person in whose favor the easement is created or whose services are required.

2. *If the map presented for filing is an amended map of a common-interest community, the certificate need only be signed and acknowledged by a person authorized to record the map under chapter 116 of NRS.*

3. For the purpose of this section the following shall be deemed not to be an interest in land under this section:

(a) A lien for taxes or special assessments.

(b) A trust interest under a bond indenture.

[3.] *4.* Upon the final map presented for filing by a common-interest community, a title company must, and for any other subdivision a local government may by ordinance require a title company to:

(a) Certify that each person signing the final map owns of record an interest in the land and that *, except as otherwise provided in subsection 2,* all of the owners of record of the land have signed the final map; and

(b) List any lien or mortgage holders of record. For a common-interest community, the certificate must show that there are no liens against the common-interest community or any part thereof for delinquent state, county, municipal, federal or local taxes or assessments collected as taxes or special assessments.".

Amend the bill as a whole by adding a new section designated sec. 53, following sec. 49, to read as follows:

"Sec. 53. Section 51 of this act becomes effective at 12:01 a.m. on October 1, 1993.".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 612.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Price moved that the Assembly recede from its action on Senate Bill No. 41.

Remarks by Assemblyman Price.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 378; Senate Bill No. 168 be placed on the General File.

Remarks by Assemblyman Porter.

Motion carried.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 779 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Porter.

Motion carried unanimously.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 511 declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 560, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 560 declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 193.

Bill read third time.

The following amendment was proposed by Assemblyman Humke:

Amendment No. 1329.

Amend sec. 2, page 1, line 3, before "*which*" by inserting: "*a county whose population is 400,000 or more in*".

Amend the title of the bill by deleting the first line and inserting:

"An Act relating to health care; requiring homes in larger counties that provide health care to not more than".

Amend the summary of the bill by deleting the first line and inserting:

"Summary—Provides for registration and investigation of homes in larger counties that provide certain health care".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblymen Humke, Myrna Williams, Petrak, Evans, Giunchigliani and Freeman.

Assemblyman Bennett requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. This amendment would make this bill applicable to the largest county in this state, only. In testimony in the Ways and Means Committee, we heard instances of problems with some of these homes applicable to several portions of Clark County. We heard that there were some concerns with the rest of the state. I think that is a fair characterization, but the bulk of the concerns were in the Clark County area. There have been complaints from Washoe County that this regulation is not truly necessary in that part of the state, nor that it is necessary in the rural parts of the state.

In my opinion, the effect of this bill would be to create a database so that the authorities know where to go for a complaint. I feel that if someone makes a complaint, they will most likely give an address where the activity is taking place. Therefore, I would consider this to be somewhat of a harassment. Thank you.

ASSEMBLYMAN MYRNA WILLIAMS:

Thank you, Mr. Speaker. I rise in opposition to Amendment No. 1329. Once again, we are facing, in my opinion, illegitimate issues of population. Particularly illegitimate when it comes to the care, health and safety of people. Frankly, I do not care if there is only one in the sixteen other counties in the State of Nevada. If there is one person who is being mistreated, who is vulnerable and needs to have the protection of the state, it is our duty to do it. I consider these kinds of amendments at the eleventh hour poor, at best.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. My colleagues here in the Assembly, I would like to ask a couple of questions and make a couple of comments regarding this. Do we know about child abuse? Do we really know about child abuse? Let's think about it. Do we know about spousal abuse? Do we really know about spousal abuse and what it means? Where does this happen? Where does this happen? It happens in the homes of the rich. It happens in the homes of the poor. It happens in my district, District 18 in Las Vegas. It happens in Gene Segerblom's district out in Boulder City, where you have all kinds of rich people living. It happens in John Carpenter's district, and it happens in Mr. Humke's district, also. It happens. It happens all over. I would challenge anybody in this Assembly to take your county newspaper and look at the classified ads. Look at them. You are going to see many people that want to take advantage of the seniors. If a young couple has their dad or mother living with them and they get tired of having them in the house, they look for some place to send those people. These are excellent places to go to place their mother and dad in a home. They do not have to be a relative, they can be anybody who takes care of these people. The bill says something about aged or sickly. People with possibly Alzeheimer's disease who cannot remember. The minute they get them in these places, what do they do to them? They say it is time to sign over their social security. That happens. If they happen to have a savings, they ask you to sign over your savings and they will take care of you. I cannot understand my colleagues, here, who understand about child abuse, who understand about spousal abuse, who understand about the treatment of animals. We just passed a bill on abuse. I could go on and get violently ill when I think of this. It makes me sick and I certainly say down with this lousy amendment and the next one coming up and I am sorry I have to speak this way. Thank you, Mr. Speaker.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I, too, must rise in opposition to the proposed amendment. I am almost speechless. I find this the most shocking suggestion we have had in the last few days and I guess it demonstrates what we often hear about, the crazy things that happen in the closing hours of the session. Elder abuse is by all reports the most under reported crime in this country. These are old, often frail people. And all this bill says is that the Division of Aging Services and the regulation that will be promulgated by the health division will be able to register a home. Now it was just this morning, remember we took away the fee so that small operators would not be burdened with any kind of fee for this registration and we also lightened the penalty which many of us found very distasteful. The first time through you are just going to get a slap on the wrist, that was an amendment proposed by my colleague from Clark County and now we are going to say that in 17 counties in Nevada, we are now equal? This is something that only happens in our largest counties? My county should be exempt or as I see on my desk, another amendment that is going to take it down even further. This is shocking. Where is people's protection under the law? I hope that the AARP gets ahold of this little piece of news coming out of this chamber tonight. I urge my colleagues to defeat this with a no vote.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in opposition to Amendment No. 1329 and the subsequent amendment we will be taking up. I guess it is indicative of what we have been dealing with as a state. We are up here to represent the state, not just the counties we came from. And, we have vulnerable seniors every place in this state. All this bill does is, allows the Aging Division to not only register, but then if there is a complaint filed, have the authority to go in and investigate. It is simply a safety measure and I think anybody who has a parent who may wind up in one of these homes sometime, would want to make

sure that there is an assurance that someone still gives a darn about them and has the ability to file a complaint and has someone to come back on. Why do we have a Division of Aging Services if we are not going to allow them to have the power to do something about it? That is all this does. I would urge my colleagues to vote Amendment No. 1329 down and the subsequent amendment. Thank you.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I also oppose this amendment and the following amendment for all the reasons that have already been articulated by the previous speakers. And, if we were to adopt this amendment, or the following amendment, this represents government at its worst. I ask you to reject both of these amendments.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. Assembly Bill No. 193 allows the State Board of Health to establish regulations governing the registration of these individual care homes. The health division's bureau of health facilities will register the facilities and will maintain a registry of each registered home for future use should it become necessary to license them in the future. The one-time fee of $50 has been waived to ensure compliance with provisions of Assembly Bill No. 193 as amended. This will take effect January 1, 1994. I urge your approval.

ASSEMBLYMAN BONAVENTURA:

Thank you, Mr. Speaker. I would like to rise in support of this bill. I am proud to support a bill like this being it will affect a lot of senior citizens in our state and it will have positive impact on helping those senior citizens that need help. Thank you.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. In the last session, I was appointed by leadership to be on the division of aging. I attended many of the meetings as a representative of this Assembly. From that time on, for the last three years, I have seen and I have listened to conversations regarding all of this. Something must be done, and I think that this is one way we can possibly help and I urge your consideration on this issue. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. It seems like maybe I am a really bad guy, here. But, what I am worried about is that it seems to me that we are taking away all incentives to take care of our own. Now, I know that there are cases of abuse out there, but we have many laws to take care of that. Nurses, physicians, ministers—the list goes on and on, are mandated to report these cases. All of us are mandated to report those cases. What I think we are doing here is intruding into the lives of people who only want to help their friends. I think the division of aging has other ways. They know where the social security checks are going and the welfare checks. We have so many laws on the books now that we are not enforcing hardly any of them. We read in the paper this morning "abuse charges not new to the hospital." There is a public institution out there where these things have been going on for years and the authorities haven't done anything with it. What we are doing here, I think, is creating a massive amount of paper work that I do not think will help. If it would help, I would be the first one that would be for it. But, I think people who are out there just trying to do the best that they can on their own to take care of their friends and have them come into their homes, at any time, with no warrant or anything is really an intrusion into those people's lives. And, I am not for elder abuse. That is the last thing I am for, but I do think that government is getting into the private lives here and we are going to not help ourselves, but we are going to harm ourselves. And, if we know these cases and the division of aging knows these cases, and they're not taking care of them I do not believe that this law will help at all.

Mr. Speaker declared, upon the advice of Legislative Counsel, that Amendment No. 1329 was to the second reprint of the bill and was invalid to the third reprint of Assembly Bill No. 193 which was before the body for consideration.

Remarks by Assemblymen Evans, Bonaventura, Petrak and Carpenter.

Assemblymen Toomin, Bonaventura and Bennett moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 193.

Roll call on Assembly Bill No. 193:

YEAS—35.
NAYS—Carpenter, Collins, Hettrick, Humke, Lambert, Tiffany—6.
Absent—Haller.

Assembly Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wendell Williams moved that Senate Bill No. 354 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Wendell Williams.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 295.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 295:

YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 295 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 398.

Bill read third time.

Remarks by Assemblyman Augustine.

Roll call on Senate Bill No. 398:

YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 398 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 566.

Bill read third time.

Remarks by Assemblymen Porter and Giunchigliani.

Roll call on Senate Bill No. 566:

YEAS—23.

NAYS—Anderson, Augustine, Bache, de Braga, Ernaut, Freeman, Giunchigliani, Kenny, Lambert, Marvel, Neighbors, Price, Regan, Scherer, Segerblom, Tiffany, Myrna Williams, Mr. Speaker—18.

Absent—Haller.

Senate Bill No. 566 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 378.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Assembly Bill No. 378:

YEAS—40.

NAYS—Evans.

Absent—Haller.

Assembly Bill No. 378 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 168.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Senate Bill No. 168:

YEAS—41.

NAYS—None.

Absent—Haller.

Senate Bill No. 168 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wendell Williams moved that Senate Bill No. 322 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 779.

Bill read third time.

Remarks by Assemblymen Neighbors and Price.

Assemblyman Neighbors requested that the following remarks be entered in the Journal.

ASSEMBLYMAN NEIGHBORS:

Thank you, Mr. Speaker. Assembly Bill No. 779 provides a method of financing the interest and principal for the purpose of constructing and putting into operation school facilities as proposed by the Mineral County School District.

Assembly Bill No. 779 does not mandate a county election. It gives the voters of Mineral County the one-time option of a combination of taxes to pay off the bond issue if they have the election. The combination is property tax, privilege tax and sales tax.

Because of the limited tax base of Mineral County, which is only $112 million with one percent only raising $11,000, by the use of this combination, it would allow them to buy down so they can stay under the statutory cap of $3.64. This is a one-time offer. They have to meet certain deadlines to be able to take advantage of this. This is unique. It has never been done before, but that county has two schools that are badly needed. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I am very proud of what has evolved around this particular subject matter during this legislative session. On our board it says, "School at Schurz," but that is really inaccurate. We are talking about the potential for a new school at Schurz and a new elementary school at Hawthorne. When this whole subject started, it was with another bill whereby the native Americans at the Schurz Reservation had proposed to place a tax on diesel fuel from their own truck stop to build a school because their present school is in very poor shape and has been condemned for 20 years. Your Taxation Committee rejected the idea.

We did go to Hawthorne and hold a meeting where nearly 400 people attended to discuss the problem, not only the problem of the schools on the reservation, but the school that they had. We came back and worked out a series of changes which is the legislation in front of you. It is supported by the members of the reservation at Schurz, the Walker River Tribe, the county commissioners and various elected officials in Mineral County. Eventually, we hope that it will bring a new elementary school in Hawthorne and a new school at Schurz. I might add that behind me I have one of the elected officials, Mrs. Bunch, the County Clerk from Mineral County. We are all very pleased that we have been able to get this far. It is almost like doing foreign relations.

ASSEMBLYMAN NEIGHBORS:

Thank you, Mr. Speaker. At this time, I want to thank the chairman and members of the Taxation Committee. We had numerous meetings which began back in January. The only reason we had 400 people at the meeting, and pretty angry citizens in Hawthorne, is because that is all the fire marshal would allow in the building. I think that has been resolved. Also, I do not know if the lady with the hat is here, Carole Villardo, but she really worked overtime working with the Tax Committee putting this together. A very special thanks to all. Thank you.

Roll call on Assembly Bill No. 779:

YEAS—41.
NAYS—None.
Absent—Haller.

Assembly Bill No. 779 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 511.

Bill read third time.

Assemblyman Wendell Williams moved that Senate Bill No. 511 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Wendell Williams.

Motion carried.

Senate Bill No. 560.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 560:

YEAS—41.
NAYS—None.
Absent—Haller.

Senate Bill No. 560 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 322.

Bill read third time.

Remarks by Assemblymen Wendell Williams, Gregory, Schneider, Regan, Collins and Evans.

Conflicts of interest declared by Assemblymen Evans, Regan and Schneider.

Roll call on Senate Bill No. 322:

YEAS—34.
NAYS—Anderson, Gregory, Scherer—3.
Absent—Haller.
Not voting—Evans, Price, Regan, Schneider—4.

Senate Bill No. 322 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 635, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Commerce.

GENE T. PORTER, *Chairman*

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 680.

The following Senate amendment was read:

Amendment No. 1283.

Amend section 1, page 1, by deleting lines 10 and 11 and inserting:

"*(d) An independent appraiser authorized by the department of motor vehicles and public safety.*".

Assemblyman Spitler moved that the Assembly concur in the Senate amendment to Assembly Bill No. 680.

Remarks by Assemblyman Spitler.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Wendell Williams moved that Senate Bill No. 511 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Wendell Williams.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 511.

Bill read third time.

Remarks by Assemblymen Wendell Williams, Giunchigliani, Smith, Lambert, Bonaventura, Kenny, Anderson and Bache.

Assemblyman Toomin requested that the following remarks be entered in the Journal.

ASSEMBLYMAN WENDELL WILLIAMS:

Thank you, Mr. Speaker. Senate Bill No. 511 requires the superintendent of public instruction establish a uniform system for school accountability reports. The superintendent is required to provide statistical information and technical assistance to the school districts to insure the reports provide comparable information in carrying out these provisions. The superintendent must consult with representatives from the Nevada State Education Association, the Nevada Association of School Boards, the Nevada Association of School Administrators and the Nevada Parents and Teachers Association. This measure provides that all parties involved must have full participation to make sure that fairness and equality are taking place.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I rise in support of accountability, however, I do oppose this bill. Four years ago I helped craft the current bill that is on your desk regarding school accountability. What this bill does is to begin to change that. It may seem like a real innocuous change to you. What it does is it requires that you not only report by district, but you report by each school. You will give a comparison for pupil achievement, for example, for each school in the district and the district as a whole.

This bill does not take into account the difference of the type of students that are in each school. It does not take into account whether or not there is English as a second language students or a large population of special education students or whether those kids come to school hungry because they have not had any food that morning. This bill does not take into account the real child, and we are setting up a false competition. You are going to be sending the wrong message. You are going to have people saying that because a school which is an older school that does not have computers in half the classrooms and dictionaries in half the classrooms, we do not have the same type of equipment as many of the newer schools. You are going to be pitting that group of schools and children against another.

Now, if you vote "no" on this bill, you are not voting against accountability. The law stays on the books. What you are voting against is setting up a sense of false competition. But even more importantly, you are also voting against an unfunded mandate. This bill originally had a $100,000 figure to it for the state superintendent to have to do some of the work in order to gather the information in order to get the bill passed. Somehow or other, the fiscal note went away. The state superintendent said that he felt that he could do it, however, he hopes that during the interim he will be able to approach the Interim Finance Committee to request modest support.

The other issue is the local unfunded mandate. The Clark County School District, the Washoe County School District, and the rural districts, small, medium and large, will be attuned in 1993 and 1994 of $155,023, and in 1994 and 1995, $162,000 and a continuing $170,000 cost. Now what may sound good in reality is not going to accomplish it because those districts did not get the money. It is not built into their budgets. I would rather use that money to be able to provide for things so that all of our kids have an opportunity to have an equal education rather than having some false issue of printing. I tested what the first percentile versus someone who tested on the second percentile. What does that tell you as a parent or as a grandparent? It does not tell you anything. It is time we go back to our schools and look at kids as individuals instead of a test score. I would urge your consideration to oppose this. Thank you.

ASSEMBLYMAN SMITH:

Thank you, Mr. Speaker. I also rise in opposition to Senate Bill No. 511. I wish to echo

many of the concerns expressed by the previous speaker. I taught in many different schools at many socio-economic levels. Some of my schools would have one set of textbooks per classroom, which meant the kids could not take their books home at night to do homework, where other schools have a book per student. There is such a wide variety of differences. If this bill were a bill to say we need to find out where our weaknesses are and then we will give money to make them equal, then this would be a great thing to do, but to simply say that we are going to find out who is doing better and who is doing worse, and to pit schools against schools is completely worthless. It will not accomplish anything if we are not willing to do anything about it. All we are going to do is create animosity between those that have and those that have not. This is not the way to create accountability. Accountability is important, but without money or any meaning behind it, it is worthless. I urge you to oppose this bill.

ASSEMBLYMAN LAMBERT:

Thank you, Mr. Speaker. I stand in support of this bill. I, too, was here when we crafted the original accountability bill four years ago. The response that I have heard from my neighbors and other people in the district when they see the reports that come from the school district is almost universally that this is a joke. This does not tell us anything to allow us to better deal with the school district so that our children can learn better. This is not just reporting test scores. On page two, lines 8 and 9, there is such other information as is directed by the superintendent of public instruction. The section below that puts together a way of putting input into what he suggests be reported.

In Washoe County, it certainly has come up over and over again. We have average schools, we have schools where the children have better support from home, where more money is contributed by the parents toward the schools. A lot of people are asking what can they do to make sure all the children in Washoe County learn. One of the things we can do is find out what the children in each school are learning so we can approach the problem from a systematic way and deal with the problem. So, the bottom line is the children of Nevada will learn. Thank you.

ASSEMBLYMAN BONAVENTURA:

Thank you, Mr. Speaker. I have a question to the gentleman from District No. 6. I would like to know if the Nevada State Education Association was in opposition or was a proponent of this legislation?

ASSEMBLYMAN WENDELL WILLIAMS:

Thank you, Mr. Speaker. To you and through you to my colleague from Las Vegas, as I said, the Nevada State Education Association, the Nevada Association of School Boards, the Nevada Association of School Administrators and the Nevada Parent-Teacher Association were all in support of this measure. In the past, these particular groups were opposed to measures like this, but now they feel that education reform has to happen. They would rather be participants in that reform opposed to taking what happens and what comes to them.

Mr. Speaker, I might add as well, under existing law, each school district currently is required to report this type of information concerning school districts as a whole. So, we get this information as a whole, like a shotgun approach, we do not know where to focus our attention for reform. At least with individual schools, we will know exactly which schools need the type of equipment that my colleague from Las Vegas talked about, and we can address those issues. If we do not begin to find out what these particular schools need, then we will not know which direction to take. We will just be somewhere shooting in the dark, hoping to reach some type of goals to change education. Those schools that are in desperate need for change, those parents who participate, the PTAs who participate and the education association, as well, will all get together to function and address those individual concerns instead of looking at test scores and reports that are just a broad wipe and nobody knows exactly where to go. This bill will provide specificity to address those particular problems. Again, I would ask my colleagues for support.

ASSEMBLYMAN BONAVENTURA:

Thank you for that short answer, Mr. Williams.

ASSEMBLYMAN KENNY:

Thank you, Mr. Speaker. To you and through you to the Chairman of Education. I just have two questions. One is regarding the unfunded mandate. Is it true, is this something we need to know about or is it not true? And, the second question comes from something that, through my campaigning, I talked to many people who would say to me, "Why do we need class size reduction? The numbers don't prove it." My answer was to them that you cannot look at numbers when you are dealing with students. You have to deal with children as individuals and the same thing with schools. My question is, you are saying we have no information as to how each school is doing in comparison with others, we only do it as a district?

ASSEMBLYMAN WENDELL WILLIAMS:

Thank you, Mr. Speaker. To you and through you to my colleague from Clark County. Under existing law, again, each school district is required to report such information only concerning school districts as a whole. So, regardless if they are small schools, large schools, schools that have resources, schools that do not, the information is presented as a whole so there is no way to differentiate between those schools of need and those schools who do not. This measure at least allows us to see which schools need more help than others so that we can provide the type of resources or attention or support staff, parental support or what have you to those specific areas as opposed to just one report that just gives a report on the school district as a whole. Now we are moving toward a situation where there are more participants so we can get more specific information. That is the bottom line.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in support of Senate Bill No. 511. I do so because I do not think, in the education profession, there is any greater myth than those myths that surround the question of testing. Whether it is or is not, what it is to accomplish in a reform movement or what is potential for accomplishing anything in a reform movement, we have to face the reality whether we are professional public educators or the public as a whole that educational reform begins with each one of us. If this testing method provides one step for people to recognize their responsibility in the educational area, it is an important step.

All of us must recognize full funding of the educational curriculum is essential. All of us must recognize parent responsibility. All of us must make sure that the inequities that exist across the broad spectrum of the educational community is eliminated. If testing is the criteria that you wish to tie it to, then let us do it with the full cooperation of the groups that the chairman of the Education Committee has put together. Therefore, I support this bill. I think that it is a tentative, frightening first step, but let us have the courage to take the first step.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. I rise in opposition to Senate Bill No. 511. I concur with the remarks my colleagues from District No. 20 and District No. 9 have made. But more importantly, I think the remarks that my colleague from District No. 3 made around a half hour ago about Senate Bill No. 511 is a reason for me to vote against it.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. Accountability is kind of a misnomer. To hold a school accountable, is to really look at what really makes up that school. If you look at the current law, they deleted the line that says, "May design its own program or may adopt a program developed by the Northwest Association." The Northwest Association guidelines take a look at each individual school so that you can get to the issue of equity. We could not get that into the original bill four years ago. It was fought very strenuously. The reason why is that they took a look at the things that make up a school. The class size, the number of nurses, the number of psychologists that were available, the lighting, the type of water, all the things that go into making up a school. We are diverting our money and actually have created an unfunded inequity in each of our schools in each of our districts. My major concern is not whether or not you report test scores. I have no problem with that. I

just believe what you are going to cause is pitting one group against another and we are going to continue to stick our heads in the sand, rather than funding schools in the proper manner. We did not do it this time. We did not do it last session, and a piece of legislation like this is not going to accomplish it. You need to fund the programs. The districts are to report by district currently. That is absolutely correct. But, they know by school right now, without this legislation what needs to be done. However, they choose not to budget that way. They choose to budget by per pupil, by whether you are an elementary school, a middle school or a high school. And you get a flat fee no matter what school you are in, no matter how old it is, no matter how unfunded it is. So this bill does not take care of it. That is my major concern. Whether you vote this bill up or down, the situation will still exist. The situation is this. It is inequity in our schools. This will not take care of the problem. Thank you.

Assemblymen Porter, Bennett and Schneider moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 511.

Roll call on Senate Bill No. 511:

YEAS—36.

NAYS—Bache, Giunchigliani, Neighbors, Price, Smith—5.

Absent—Haller.

Senate Bill No. 511 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 635 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 635.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1291.

Amend the bill as a whole by deleting sections 1 through 20 and adding new sections designated sections 1 through 41, following the enacting clause, to read as follows:

"Section 1. Chapter 599B of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any security required by NRS 599B.090, a seller, before accepting or agreeing to accept any payment by credit card, shall arrange with a bank or other financial institution regulated by the division of financial institutions of the department of commerce of this state or an equivalent authority of another state for the collection of payments by credit card for his account. An applicant for a license as a seller pursuant to the provisions of this chapter who will accept payment by credit card shall furnish to the division with his application evidence satisfactory to the division that such an arrangement has been made.

2. The arrangement must include a provision whereby any deposit or other security maintained by the seller for the protection of the financial institution is payable to the division after the claim of the financial institution is satisfied. The division shall apply the amount so received to satisfy pro rata claimants entitled to restitution from the seller after any security applied pursuant to NRS 599B.100 is exhausted, and pay over any remaining balance to the seller.

Sec. 2. NRS 599B.010 is hereby amended to read as follows:

599B.010 As used in this chapter, unless the context otherwise requires:

1. "Chance promotion" means any plan in which premiums are distributed by random or chance selection.

2. "Commissioner" means the commissioner of consumer affairs.

3. "Division" means the consumer affairs division of the department of commerce.

4. "Goods or services" means any property, tangible or intangible, real, personal or mixed, and any other article, commodity or thing of value.

5. "Premium" includes any prize, bonus, award, gift or any other similar inducement or incentive to purchase.

6. "Purchaser" or "prospective purchaser" means a person who is solicited to become or does become obligated to a seller.

7. "Salesman" means any person:

(a) Employed or authorized by a seller to sell, or to attempt to sell, goods or services by telephone;

(b) Retained by a seller to provide consulting services relating to the management or operation of the seller's business; or

(c) Who communicates on behalf of a seller with a prospective purchaser:

(1) In the course of a solicitation by telephone; or

(2) For the purpose of verifying, changing or confirming an order, except that a person is not a salesman if his only function is to identify a prospective purchaser by name only and he immediately refers the purchaser to a salesman.

8. Except as otherwise provided in subsection 9, "seller" means any person who, on his own behalf, causes or attempts to cause a solicitation by telephone to be made through the use of one or more salesmen or any automated dialing announcing device under any of the following circumstances:

(a) The person initiates contact by telephone with a prospective purchaser and represents or implies:

(1) That a prospective purchaser who buys one or more goods or services will receive additional goods or services, whether or not of the same type as purchased, without further cost, except for actual postage or common carrier charges;

(2) That a prospective purchaser will or has a chance or opportunity to receive a premium; *or*

(3) That the items for sale are gold, silver or other precious metals, diamonds, rubies, sapphires or other precious stones, or any interest in oil, gas or mineral fields, wells or exploration sites or any other investment opportunity; [or

(4) That offered for sale is information or opinions relating to sporting events;]

(b) The solicitation by telephone is made by the person in response to inquiries from a prospective purchaser generated by a notification or communication sent or delivered to the prospective purchaser that represents or implies:

(1) That the prospective purchaser has been in any manner specially selected to receive the notification or communication or the offer contained in the notification or communication;

(2) That the prospective purchaser will receive a premium if the recipient calls the person; or

(3) That if the prospective purchaser buys one or more goods or services from the person, the prospective purchaser will also receive additional or other goods or services, whether or not the same type as purchased, without further cost or at a cost that the person represents or implies is less that the regular price of the goods or services; or

(c) The solicitation by telephone is made by the person in response to inquiries generated by advertisements that represent or imply that the person is offering to sell any [:

(1) Gold,] *gold,* silver or other metals, including coins, diamonds, rubies, sapphires or other stones, coal or other minerals or any interest in oil, gas or other mineral fields, wells or exploration sites, or any other investment opportunity . [; or

(2) Information or opinions relating to sporting events.]

9. "Seller" does not include:

(a) A person licensed pursuant to chapter 90 of NRS when soliciting offers, sales or purchases within the scope of his license.

(b) A person licensed pursuant to chapter 119A, 119B, 624, 645 or 696A of NRS when soliciting sales within the scope of his license.

(c) A person licensed as an insurance broker, agent or solicitor when soliciting sales within the scope of his license.

(d) A person soliciting the sale of a newspaper or magazine of general circulation or any solicitation of sales made by the publisher of such a newspaper or magazine or by an agent of the publisher pursuant to a written agreement.

(e) A broadcaster soliciting sales who is licensed by any state or federal authority, if the solicitation is within the scope of the broadcaster's license.

(f) A nonprofit organization when soliciting sales if no part of the net earnings from the sales inures to the benefit of any private shareholder or other person.

(g) A public utility or motor carrier which is regulated pursuant to chapter 704 or 706 of NRS, or by an affiliate of such a utility or motor carrier, if the solicitation is within the scope of its certificate or license.

(h) A utility which is regulated pursuant to chapter 710 of NRS, or by an affiliate of such a utility.

(i) A person soliciting the sale of books, recordings, video cassettes or similar items through an organization whose method of sales is governed by the regulations of the Federal Trade Commission relating to the use of negative option plans by sellers in commerce, including the use of continuity plans, subscription arrangements, arrangements for standing orders, supplements, and series arrangements under which the person periodically ships merchandise to a prospective purchaser who has consented in advance to receive the merchandise on a periodic basis and has the opportunity to review the merchandise for at least 10 days and return it for a full refund within 30 days after it is received.

(j) A person who solicits sales by periodically publishing and delivering a catalog to prospective purchasers, if the catalog:

(1) Contains a written description or illustration of each item offered for sale and the price of each item;

(2) Includes the business address of the person;

(3) Includes at least 100 pages of written material and illustrations;

(4) Is distributed in more than one state; and

(5) Has an annual circulation by mailing of not less than 250,000.

(k) A person soliciting without the intent to complete and who does not complete, the sales transaction by telephone but completes the sales transaction at a later face-to-face meeting between the solicitor and the prospective purchaser, if the person, after soliciting a sale by telephone, does not cause another person to collect the payment from or deliver any goods or services purchased to the prospective purchaser.

(l) Any commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, trust company, savings and loan association, credit union, industrial loan company, personal property broker, consumer finance lender, commercial finance lender, or insurer subject to regulation by an official or agency of this state or of the United States, if the solicitation is within the scope of the certificate or license held by the entity.

(m) A person holding a certificate of authority issued pursuant to chapter 452 of NRS when soliciting sales within the scope of the certificate.

(n) A person licensed pursuant to chapter 689 of NRS when soliciting sales within the scope of his license.

(o) A person soliciting the sale of services provided by a community antenna television company subject to regulation pursuant to chapter 711 of NRS.

(p) A person soliciting the sale of agricultural products, if the solicitation is not intended to and does not result in a sale of more than $100. As used in this paragraph, "agricultural products" has the meaning ascribed to it in NRS 587.290.

(q) A person who has been operating, for at least 2 years, a retail business establishment under the same name as that used in connection with the solicitation of sales by telephone if, on a continuing basis:

(1) Goods are displayed and offered for sale or services are offered for sale and provided at the person's business establishment; and

(2) At least 50 percent of the person's business involves the buyer obtaining such goods or services at the person's business establishment.

(r) A person soliciting only the sale of telephone answering services to be provided by the person or his employer.

(s) A person soliciting a transaction regulated by the Commodity Futures Trading Commission, if:

(1) The person is registered with or temporarily licensed by the Commission to conduct that activity pursuant to the Commodity Exchange Act (7 U.S.C. §§ 1 et seq.); and

(2) The registration or license has not expired or been suspended or revoked.

(t) A person who contracts for the maintenance or repair of goods previously purchased from the person:

(1) Making the solicitation; or

(2) On whose behalf the solicitation is made.

(u) A person to whom a nonrestricted gaming license, which is current and valid, has been issued pursuant to chapter 463 of NRS when soliciting sales within the scope of his license.

(v) A person who solicits a previous customer of the business on whose behalf the call is made if the person making the call:

(1) Does not offer the customer any premium in connection with the sale;

(2) Is not selling an investment or an opportunity for an investment that is not registered with any state or federal authority; and

(3) Is not regularly engaged in telephone sales.

(w) A person who solicits the sale of livestock.

(x) An issuer or wholly owned subsidiary of an issuer which has a security that is listed on the New York Stock Exchange.

(y) A person who only provides information or opinions relating to sporting events.

Sec. 3. NRS 599B.090 is hereby amended to read as follows:

599B.090 1. An applicant for registration as a seller must submit to the division, in such form as it prescribes, a written application for registration. The application must:

(a) Set forth the name of the applicant, including each name under which he intends to do business;

(b) Set forth the name of any parent or affiliated entity that:

(1) Will engage in a business transaction with the purchaser relating to any sale solicited by the applicant; or

(2) Accepts responsibility for any statement or act of the applicant relating to any sale solicited by the applicant;

(c) Set forth the complete street address of each location, designating the principal location, from which the applicant will be doing business;

(d) Contain a list of all telephone numbers to be used by the applicant, with the address where each telephone using these numbers will be located;

(e) Set forth the name and address of each:

(1) Principal officer, director, trustee, shareholder, owner or partner of the applicant, and of each other person responsible for the management of the business of the applicant;

(2) Person responsible for a location from which the applicant will do business; and

(3) Salesman to be employed by the applicant;

(f) Be accompanied by a copy of any:

(1) Script, outline or presentation the applicant will require a salesman to use when soliciting or, if no such document is used, a statement to that effect;

(2) Sales information or literature to be provided by the applicant to a salesman, or of which the applicant will inform the salesman; and

(3) Sales information or literature to be provided by the applicant to a purchaser in connection with any solicitation;

(g) If the applicant is a corporation, be signed by an officer of the corporation; and

(h) If the applicant is a natural person, be completed personally by the applicant.

2. Any material submitted pursuant to paragraph (f) of subsection 1 is submitted for the records of the division and not for the approval of the division.

3. The information provided pursuant to paragraph (f) of subsection 1 by an applicant for registration as a seller is confidential and may only be released *to the department of taxation,* to a law enforcement agency, to a court of competent jurisdiction or by order of a court of competent jurisdiction.

4. If the applicant is other than a natural person, or if any parent or affiliated entity is identified pursuant to paragraph (b) of subsection 1, the applicant must, for itself and any such entity, identify its place of organization and:

(a) In the case of a partnership, provide a copy of any written partnership agreement; or

(b) In the case of a corporation, provide a copy of its articles of incorporation and bylaws.

5. An application filed pursuant to this section must be verified and accompanied by:

(a) A bond, letter of credit or certificate of deposit satisfying the requirements of NRS 599B.100;

(b) A fee for registration in the amount of $6,000; and

(c) If subsection 5 applies, the additional bond, letter of credit or certificate of deposit and the additional fee required by that subsection.

6. If an applicant intends to do business under any assumed or fictitious name, he must, for each such name:

(a) File an additional bond, letter of credit or certificate of deposit satisfying the requirements of NRS 599B.100; and

(b) Pay an additional fee for registration in the amount of $6,000.

Sec. 4. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in NRS 360.300 to 360.410, inclusive, unless the context otherwise requires, "seller" has the meaning ascribed to it in section 15 of this act.

Sec. 5. NRS 360.265 is hereby amended to read as follows:

360.265 The tax commission, by the affirmative vote of a majority of its members, may remove from its records the name of a debtor and the amount of *a* tax, *fee,* penalty and interest, or any of them, owed by him, if after 5 years it remains impossible or impracticable to collect [such] *those* sums. The tax commission shall establish a master file containing the information removed from its official records [by] *pursuant to* this section.

Sec. 6. NRS 360.300 is hereby amended to read as follows:

360.300 If the department is not satisfied with [the return or returns of any tax or amount of tax] *a return or amount of a tax or fee* required to be paid to the state by any person, in accordance with the applicable provisions of this Title as administered by the department, it may compute and determine the amount required to be paid upon the basis of the facts contained in the return or upon the basis of any information within its possession or that may come into its possession. One or more deficiency determinations may be made of the amount due for one or for more than one period.

Sec. 7. NRS 360.350 is hereby amended to read as follows:

360.350 1. The department shall give the taxpayer *or seller* written notice of its determination.

2. The notice may be served personally or by mail . [; if] *If the notice is served* by mail, the notice must be addressed to the taxpayer at his address as it appears in the records of the department.

3. In the case of service by mail of any notice required, the service is complete at the time of deposit with the United States Postal Service.

4. The service of this written notice tolls any limitation for the determination of a further deficiency.

Sec. 8. NRS 360.355 is hereby amended to read as follows:

360.355 1. Except as otherwise provided in subsections 2, 3 and 4 and in NRS 375A.180 and 375B.210, every notice of the determination of a deficiency issued by the department must be personally served or mailed within 3 years after the last day of the calendar month following the period for which the amount is proposed to be determined or within 3 years after the return is filed, whichever period expires later.

2. In the case of a failure to make a return, or a claim for an additional amount, every notice of determination must be mailed or personally served within 8 years after the last day of the calendar month following the period for which the amount is proposed to be determined.

3. If, before the expiration of the time prescribed in this section for the mailing of a notice of determination, the taxpayer *or seller* has signed a waiver consenting to the mailing of the notice after that time, the notice may be mailed at any time before the expiration of the period agreed upon. The

period so agreed upon may be extended by subsequent agreements in writing if each agreement is made before the expiration of the period previously agreed upon.

4. This section does not apply to cases of fraud or intentional evasion of the provisions of this Title or any regulation adopted pursuant thereto.

Sec. 9. NRS 360.400 is hereby amended to read as follows:

360.400 All determinations made by the department under the authority of NRS 360.300 to 360.410, inclusive, are due at the time they become final, except that the department may grant an extension of up to 15 days for good cause if the taxpayer *or seller* makes a written application to the Nevada tax commission before the time the determination becomes final.

Sec. 10. NRS 360.410 is hereby amended to read as follows:

360.410 1. If the department finds that a person's failure to make a timely return or payment of a tax *or fee* imposed by this Title, except for chapters [364,] 366 and 371 [, is due to] *of NRS and NRS 364.010 to 364.150, inclusive, is because of* circumstances beyond his control and occurred notwithstanding the exercise of ordinary care and in the absence of willful neglect, the department may relieve such person of all or part of [any] *a* penalty imposed.

2. Any person seeking relief from [such] *the* penalty shall file with the department a statement under oath setting forth the facts upon which he bases his claim for relief.

Sec. 11. NRS 360.412 is hereby amended to read as follows:

360.412 If the department believes that the collection of any amount of sales or use tax, business tax, *fee* or other excise due under this Title or chapter 585 of NRS will be jeopardized by delay, it shall make a determination of the amount required to be collected and serve notice of the determination upon the person against whom it is made.

Sec. 12. NRS 360.417 is hereby amended to read as follows:

360.417 Unless a different penalty or rate of interest is specifically provided, any person who fails to pay any tax provided for in chapter 362, 364A, 365, 369, 370, 372, 373 or 374 of NRS, or fee provided for in NRS 590.700 to 590.920, inclusive, *or sections 15 to 39, inclusive, of this act,* to the state or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the department, in addition to the tax or fee, plus interest at the rate of 1.5 percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment.

Sec. 13. NRS 360.419 is hereby amended to read as follows:

360.419 1. The department may, for good cause shown, waive or reduce the payment of the interest or penalty, or both, on any tax *or fee* which is owed to the state or to a county by any person. The department shall, upon the request of any person, disclose the:

(a) Name of the person whose interest or penalty was waived or reduced; and

(b) Amount so waived or the amount of the reduction.

2. This section applies to all taxes *and fees* imposed under this Title except for those imposed pursuant to chapter [364,] 366, 371 or 375 of NRS [.] *or NRS 364.010 to 364.150, inclusive.*

Sec. 14. Chapter 364 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 to 39, inclusive, of this act.

Sec. 15. *As used in sections 15 to 39, inclusive, of this act, unless the context otherwise requires:*

1. "Seller" means any person who, on his own behalf, causes or attempts to cause a solicitation by telephone to be made through the use of one or more salesmen or any automated dialing announcing device under any of the following circumstances:

(a) The person initiates contact by telephone with a prospective purchaser and represents or implies:

(1) That a prospective purchaser who buys one or more goods or services will receive additional goods or services, whether or not of the same type as purchased, without further cost, except for actual postage or common carrier charges;

(2) That a prospective purchaser will or has a chance or opportunity to receive a premium; or

(3) That the items for sale are gold, silver or other precious metals, diamonds, rubies, sapphires or other precious stones, or any interest in oil, gas or mineral fields, wells or exploration sites or any other investment opportunity.

(b) The solicitation by telephone is made by the person in response to inquiries from a prospective purchaser generated by a notification or communication sent or delivered to the prospective purchaser that represents or implies:

(1) That the prospective purchaser has been in any manner specially selected to receive the notification or communication or the offer contained in the notification or communication;

(2) That the prospective purchaser will receive a premium if the recipient calls the person; or

(3) That if the prospective purchaser buys one or more goods or services from the person, the prospective purchaser will also receive additional or other goods or services, whether or not the same type as purchased, without further cost or at a cost that the person represents or implies is less that the regular price of the goods or services.

(c) The solicitation by telephone is made by the person in response to inquiries generated by advertisements that represent or imply that the person is offering to sell any gold, silver or other metals, including coins, diamonds, rubies, sapphires or other stones, coal or other minerals or any interest in oil, gas or other mineral fields, wells or exploration sites, or any other investment opportunity.

2. "Seller" does not include:

(a) A person licensed pursuant to chapter 90 of NRS when soliciting offers, sales or purchases within the scope of his license.

(b) A person licensed pursuant to chapter 119A, 119B, 624, 645 or 696A of NRS when soliciting sales within the scope of his license.

(c) A person licensed as an insurance broker, agent or solicitor when soliciting sales within the scope of his license.

(d) A person soliciting the sale of a newspaper or magazine of general circulation or any solicitation of sales made by the publisher of such a newspaper or magazine or by an agent of the publisher pursuant to a written agreement.

(e) A broadcaster soliciting sales who is licensed by any state or federal authority, if the solicitation is within the scope of the broadcaster's license.

(f) A nonprofit organization when soliciting sales if no part of the net earnings from the sales inures to the benefit of any private shareholder or other person.

(g) A public utility or motor carrier which is regulated pursuant to chapter 704 or 706 of NRS, or by an affiliate of such a utility or motor carrier, if the solicitation is within the scope of its certificate or license.

(h) A utility which is regulated pursuant to chapter 710 of NRS, or by an affiliate of such a utility.

(i) A person soliciting the sale of books, recordings, video cassettes or similar items through an organization whose method of sales is governed by the regulations of the Federal Trade Commission relating to the use of negative option plans by sellers in commerce, including the use of continuity plans, subscription arrangements, arrangements for standing orders, supplements, and series arrangements under which the person periodically ships merchandise to a prospective purchaser who has consented in advance to receive the merchandise on a periodic basis and has the opportunity to review the merchandise for at least 10 days and return it for a full refund within 30 days after it is received.

(j) A person who solicits sales by periodically publishing and delivering a catalog to prospective purchasers, if the catalog:

(1) Contains a written description or illustration of each item offered for sale and the price of each item;

(2) Includes the business address of the person;

(3) Includes at least 100 pages of written material and illustrations;

(4) Is distributed in more than one state; and

(5) Has an annual circulation by mailing of not less than 250,000.

(k) A person soliciting without the intent to complete and who does not complete, the sales transaction by telephone but completes the sales transaction at a later face-to-face meeting between the solicitor and the prospective purchaser, if the person, after soliciting a sale by telephone, does not cause another person to collect the payment from or deliver any goods or services purchased to the prospective purchaser.

(l) Any commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, trust company, savings and loan association, credit union, industrial loan company, personal property broker, consumer

finance lender, commercial finance lender, or insurer subject to regulation by an official or agency of this state or of the United States, if the solicitation is within the scope of the certificate or license held by the entity.

(m) A person holding a certificate of authority issued pursuant to chapter 452 of NRS when soliciting sales within the scope of the certificate.

(n) A person licensed pursuant to chapter 689 of NRS when soliciting sales within the scope of his license.

(o) A person soliciting the sale of services provided by a community antenna television company subject to regulation pursuant to chapter 711 of NRS.

(p) A person soliciting the sale of agricultural products, if the solicitation is not intended to and does not result in a sale of more than $100. As used in this paragraph, "agricultural products" has the meaning ascribed to it in NRS 587.290.

(q) A person who has been operating, for at least 2 years, a retail business establishment under the same name as that used in connection with the solicitation of sales by telephone if, on a continuing basis:

(1) Goods are displayed and offered for sale or services are offered for sale and provided at the person's business establishment; and

(2) At least 50 percent of the person's business involves the buyer obtaining such goods or services at the person's business establishment.

(r) A person soliciting only the sale of telephone answering services to be provided by the person or his employer.

(s) A person soliciting a transaction regulated by the Commodity Futures Trading Commission, if:

(1) The person is registered with or temporarily licensed by the Commission to conduct that activity pursuant to the Commodity Exchange Act (7 U.S.C. §§ 1 et seq.); and

(2) The registration or license has not expired or been suspended or revoked.

(t) A person who contracts for the maintenance or repair of goods previously purchased from the person:

(1) Making the solicitation; or

(2) On whose behalf the solicitation is made.

(u) A person to whom a nonrestricted gaming license, which is current and valid, has been issued pursuant to chapter 463 of NRS when soliciting sales within the scope of his license.

(v) A person who solicits a previous customer of the business on whose behalf the call is made if the person making the call:

(1) Does not offer the customer any premium in connection with the sale;

(2) Is not selling an investment or an opportunity for an investment that is not registered with any state or federal authority; and

(3) Is not regularly engaged in telephone sales.

(w) A person who solicits the sale of livestock.

(x) An issuer or wholly owned subsidiary of an issuer which has a security that is listed on the New York Stock Exchange.

(y) A person who only provides information or opinions relating to sporting events.

Sec. 16. *A fee is hereby imposed upon each seller at the rate of 2 percent of the total amount of sales consummated. The seller may, but is not required to, state the amount of the fee separately and include it in the price charged to the customer.*

Sec. 17. *1. The fee is due for each calendar quarter on the last day of the quarter and must be paid on or before the 15th day of the following month.*

2. Each seller shall file a return on a form prescribed by the department with each remittance of the fee. If the payment due is greater than $1,000, the payment must be made by direct deposit at a bank in which the state has an account, unless the department waives this requirement pursuant to regulations adopted by the commission. The return must include a statement of the sales consummated by the seller for the quarter and any other information the department determines is necessary.

Sec. 18. *Upon written application made before the due date, for good cause the department may extend the time within which a seller is required to pay the fee imposed by sections 15 to 39, inclusive, of this act. If the fee is paid during the period for which the extension is granted, no penalty or late charge may be imposed for failure to pay at the time required, but the seller shall pay, in addition to the amount owing, interest at the rate of 1.5 percent per month, or fraction of a month, from the last day of the month following the date on which the amount would have been due without the extension until the date of payment.*

Sec. 19. *The Nevada tax commission shall adopt such regulations as it deems necessary to carry out the provisions of sections 15 to 39, inclusive, of this act, including the payment of fees by direct deposit.*

Sec. 20. *1. Each person responsible for maintaining the records of a seller shall:*

(a) Keep such records as may be necessary to determine the amount of the seller's liability pursuant to the provisions of sections 15 to 39, inclusive, of this act;

(b) Preserve those records for 4 years or until any litigation or prosecution pursuant to those sections is finally determined, whichever is longer; and

(c) Make the records available for inspection by the department upon demand at reasonable times during regular business hours.

2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 21. *1. To verify the accuracy of any return filed, or, if no return is filed by a seller, to determine the amount required to be paid, the department, or any person authorized in writing by it, may examine the books, papers and records of any person or seller that may be liable for the fee imposed by sections 15 to 39, inclusive, of this act.*

2. Any seller or other person who may be liable for the fee imposed by sections 15 to 39, inclusive, of this act, and who keeps outside of this state

the books, papers and records relating thereto, shall pay to the department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the state for each day or fraction thereof during which an employee of the department is engaged in examining those documents, plus any other actual expenses incurred by the employee while he is absent from his regular place of employment to examine those documents.

Sec. 22. *The executive director may request any relevant information from the consumer affairs division of the department of commerce to carry out the provisions of sections 15 to 39, inclusive, of this act.*

Sec. 23. *1. Except as otherwise provided in subsection 2, the records and files of the department concerning the administration of sections 15 to 39, inclusive, of this act, are confidential and privileged. The department, and any employee engaged in the administration of those sections, or charged with the custody of any such records or files, shall not disclose any information obtained from the department's records or files or from any examination, investigation or hearing authorized by the provisions of those sections. Neither the department nor any employee of the department may be required to produce any of the records, files and information for the inspection of any person or for use in any action or proceeding.*

2. The records and files of the department concerning the administration of sections 15 to 39, inclusive, of this act, are not confidential or privileged in the following cases:

(a) Testimony by a member or employee of the department and production of records, files and information on behalf of the department or a seller in any action or proceeding pursuant to the provisions of those sections if that testimony or the records, files or information, or the facts shown thereby are directly involved in the action or proceeding.

(b) Delivery to a seller or his authorized representative of a copy of any return or other document filed by the seller pursuant to those sections.

(c) Publication of statistics so classified as to prevent the identification of a particular business or document.

(d) Exchanges of information with the Internal Revenue Service in accordance with compacts made and provided for in such cases.

(e) Disclosure in confidence to the governor or his agent in the exercise of the governor's general supervisory powers, or to any person authorized to audit the accounts of the department in pursuance of an audit, or to the attorney general or other legal representative of the state in connection with an action or proceeding pursuant to those sections.

Sec. 24. *1. The department shall deposit all fees, interest and penalties it receives under this chapter in the state treasury for credit to the telemarketing fee account in the state general fund.*

2. The money in the telemarketing fee account may, upon order of the state controller, be used for refunds under this chapter.

Sec. 25. *1. If any seller who is liable for any amount required to be paid pursuant to sections 15 to 39, inclusive, of this act, sells out his business or quits business, his successors or assigns shall withhold a*

sufficient portion of the purchase price to cover that amount until the former owner produces a receipt from the department showing that it has been paid or a certificate stating that no amount is due.

2. If the purchaser of a seller's business fails to withhold from the purchase price the amount required by subsection 1, he becomes personally liable for the payment of the amount required to be withheld by him to the extent of the purchase price, valued in money. Within 60 days after receiving a written request from the purchaser for a certificate, or within 60 days after the date the former owner's records are made available for audit, whichever period expires later, but not later than 90 days after receiving the request, the department shall issue the certificate or mail notice to the purchaser at his address as it appears on the records of the department, of the amount that must be paid as a condition of issuing the certificate.

3. Failure of the department to mail the notice releases the purchaser from further obligation to withhold any portion of the purchase price.

4. The time within which the obligation of a successor may be enforced begins at the time the seller sells out his business or at the time that the determination against the seller becomes final, whichever occurs later.

Sec. 26. *1. If any amount required to be paid to the state pursuant to sections 15 to 39, inclusive, of this act, is not paid when due, the department may, within 3 years after the amount is due, file for record in the office of the county recorder of the county in which the seller's place of business is located a certificate specifying the amount, interest and penalty due, the name and address as it appears on the records of the department of the person liable for the amount due, and the fact that the department has complied with all provisions of those sections in the determination of the amount required to be paid.*

2. From the time of the filing for record, the amount required to be paid, together with interest and penalty, constitutes a lien upon all real and personal property in the county owned by the seller or acquired by him afterwards and before the lien expires. The lien has the effect and priority of a judgment lien and continues for 5 years after the time of the filing of the certificate unless sooner released or otherwise discharged.

3. The lien may, within 5 years after the date of the filing of the certificate or within 5 years after the date of the last extension of the lien pursuant to this subsection, be extended by filing for record a new certificate in the office of the county recorder of any county, and from the time of filing, the lien is extended to the real and personal property in the county for 5 years, unless sooner released or otherwise discharged.

4. The department may at any time release all or any portion of the property subject to any lien provided for in sections 15 to 39, inclusive, of this act, from the lien or subordinate the lien or other liens and encumbrances if it determines that the amount, interest and penalties are secured sufficiently by a lien or other property or that the release or subordination of the lien will not jeopardize the collection of the amount, interest and penalties.

5. A certificate by the department to the effect that any property has been released from the lien, or that the lien has been subordinated to other liens and encumbrances, is conclusive evidence that the property has been released, or that the lien has been subordinated as provided in the certificate.

Sec. 27. *1. At any time within 3 years after any fee or any amount of the fee imposed by sections 15 to 39, inclusive, of this act, becomes due, and at any time within 3 years after the delinquency of any such fee, or within 5 years after the last recording of an abstract pursuant to NRS 360.450, or of a certificate pursuant to section 26 of this act, the department may bring an action in the courts of this state, or any other state, or of the United States, in the name of the people of the State of Nevada, to collect the amount delinquent together with penalties and interest.*

2. The attorney general shall prosecute the action, and the provisions of NRS and the Nevada Rules of Civil Procedure and Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals apply to the proceedings.

3. In the action a writ of attachment may issue, and no bond or affidavit previous to the issuing of the attachment is required.

4. In the action a certificate by the department showing the delinquency is prima facie evidence of the determination of the fee or the amount of the fee, of the delinquency of the amounts set forth, and of the compliance by the department with all the provisions of sections 15 to 39, inclusive, of this act, in relation to the computation and determination of the amounts.

Sec. 28. *The remedies of the state provided for in sections 15 to 39, inclusive, of this act, are cumulative, and no action taken by the department or the attorney general constitutes an election by the state to pursue any remedy to the exclusion of any other remedy for which provision is made in those sections.*

Sec. 29. *If the department determines that any fee, penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the department shall set forth that fact in the records of the department and certify to the state board of examiners the amount collected in excess of the amount legally due and the seller or other person from whom it was collected or by whom paid. If approved by the state board of examiners, the excess amount collected or paid must be credited on any amounts then due from the person or business under this chapter, and the balance refunded to the seller or other person or his successors, administrators or executors.*

Sec. 30. *1. Except as otherwise provided in NRS 360.235:*

(a) No refund may be allowed unless a claim for it is filed with the department within 3 years after the last day of the month following the close of the period for which the overpayment was made, or, with respect to determinations made pursuant to NRS 360.300 to 360.416, inclusive, within 6 months after the determination becomes final, or within 6 months after the date of overpayment, whichever period expires later.

(b) No credit may be allowed after the expiration of the period specified for filing claims for refund unless a claim for credit is filed with the department within that period.

2. Each claim must be in writing and must state the specific grounds upon which the claim is founded.

3. Failure to file a claim within the time prescribed in this chapter constitutes a waiver of any demand against the state on account of overpayment.

4. Within 30 days after disallowing any claim in whole or in part, the department shall serve notice of its action on the claimant in the manner prescribed for service of notice of a deficiency determination.

Sec. 31. *1. Interest must be paid upon any overpayment of any amount of the fee imposed by sections 15 to 39, inclusive, of this act, at the rate of one-half of 1 percent per month, or fraction thereof, from the last day of the calendar month following the period for which the overpayment was made. No refund or credit may be made of any interest imposed upon the seller or other person making the overpayment with respect to the amount being refunded or credited.*

2. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if he has not already filed a claim, is notified by the department that a claim may be filed or the date upon which the claim is certified to the state board of examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the fee or amount against which the credit is applied.

3. If the department determines that any overpayment has been made intentionally or by reason of carelessness, it shall not allow any interest on it.

Sec. 32. *1. No injunction, writ of mandate or other legal or equitable process may issue in any suit, action or proceeding in any court against this state or against any officer of the state to prevent or enjoin the collection under sections 15 to 39, inclusive, of this act, of the fee imposed by those sections or any amount of fee, penalty or interest required to be collected.*

2. No suit or proceeding may be maintained in any court for the recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for refund or credit has been filed.

Sec. 33. *1. Within 90 days after the mailing of the notice of the department's action upon a claim filed pursuant to this chapter, the claimant may bring an action against the department on the grounds set forth in the claim in a court of competent jurisdiction in Carson City or Clark County for the recovery of the whole or any part of the amount with respect to which the claim has been disallowed.*

2. Failure to bring action within the time specified constitutes a waiver of any demand against the state on account of alleged overpayments.

Sec. 34. *1. If the department fails to mail notice of action on a claim within 6 months after the claim is filed, the claimant may, before the mailing*

of notice by the department of its action on the claim, consider the claim disallowed and bring an action against the department on the grounds set forth in the claim for the recovery of the whole or any part of the amount claimed as an overpayment.

2. If judgment is rendered for the plaintiff, the amount of the judgment must first be credited towards any fee due from the plaintiff.

3. The balance of the judgment must be refunded to the plaintiff.

Sec. 35. *In any judgment, interest must be allowed at the rate of 6 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the department.*

Sec. 36. *A judgment may not be rendered in favor of the plaintiff in any action brought against the department to recover any amount paid when the action is brought by or in the name of an assignee of the seller paying the amount or by any person other than the seller or other person who paid the amount.*

Sec. 37. *1. The department may recover a refund or any part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in Carson City or Clark County in the name of the State of Nevada.*

2. The action must be tried in Carson City or Clark County unless the court with the consent of the attorney general orders a change of place of trial.

3. The attorney general shall prosecute the action, and the provisions of NRS, the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals apply to the proceedings.

Sec. 38. *1. If any amount in excess of $25 has been illegally determined, either by the person filing the return or by the department, the department shall certify this fact to the state board of examiners, and the latter shall authorize the cancellation of the amount upon the records of the department.*

2. If an amount not exceeding $25 has been illegally determined, either by the seller or other person filing a return or by the department, the department without certifying this fact to the state board of examiners, shall authorize the cancellation of the amount upon the records of the department.

Sec. 39. *1. A person shall not:*

(a) Make, cause to be made or permit to be made any false or fraudulent return or declaration or false statement in any return or declaration, with intent to defraud the state or to evade payment of the fee or any part of the fee imposed by sections 15 to 39, inclusive, of this act.

(b) Make, cause to be made or permit to be made any false entry in books, records or accounts with intent to defraud the state or to evade the payment of the fee or any part of the fee imposed by sections 15 to 39, inclusive, of this act.

(c) Keep, cause to be kept or permit to be kept more than one set of books, records or accounts with intent to defraud the state or to evade the payment of the fee or any part of the fee imposed by sections 15 to 39, inclusive, of this act.

2. Any person who violates the provisions of subsection 1 is guilty of a gross misdemeanor.

Sec. 40. The first payment of the tax imposed pursuant to sections 15 to 39, inclusive, of this act, is due on or before January 15, 1994, for the quarter which includes October, November and December of 1993.

Sec. 41. 1. This section, section 1 and sections 4 to 40, inclusive, of this act become effective on July 1, 1993.

2. Sections 2 and 3 of this act become effective at 12:01 a.m. on July 1, 1993.".

Amend the title of the bill to read as follows:

"An Act relating to solicitation by telephone; imposing a fee on sales solicited by telephone; requiring the Nevada tax commission to adopt regulations relating to the collection of the fee; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Imposes fee on sales solicited by telephone. (BDR 52-2014)".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Porter.

Conflict of interest declared by Assemblyman Porter.

Amendment adopted.

Assemblyman Giunchigliani moved that Assembly Bill No. 635 be re-referred to the Committee on Commerce.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Commerce.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:58 p.m.

ASSEMBLY IN SESSION

At 11:20 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 681 be placed on the General File.

Motion carried.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bills Nos. 461, 559 declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Concurrent Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 498, 528, 561, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY L. SPITLER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 1, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 442, 480, 552, 727, 758, 764, 789, 790.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 374, 569, 624, 687, 696, 706, 741, 747, 785, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 573, 574.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 208, 327, 482.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 5.

Assemblyman Garner moved the adoption of the resolution.

Remarks by Assemblyman Garner.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 208.

Assemblyman Porter moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 327.

Assemblyman Porter moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 482.

Assemblyman Porter moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 573.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 574.

Assemblyman Porter moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 681.

Bill read third time.

Remarks by Assemblymen Porter and Collins.

Assemblymen Marvel, Arberry and Bennett moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 681.

Roll call on Assembly Bill No. 681:

YEAS—41.

NAYS—None.

Absent—Haller.

Assembly Bill No. 681 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 461.

Bill read third time.

Remarks by Assemblyman Smith.

Roll call on Senate Bill No. 461:

YEAS—40.

NAYS—Bonaventura.

Absent—Haller.

Senate Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 559.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Senate Bill No. 559:

YEAS—41.

NAYS—None.

Absent—Haller.

Senate Bill No. 559 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 138, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 13, which is attached to and hereby made a part of this report.

DOUGLAS ALBERT BACHE	WILLIAM R. O'DONNELL
GENE WINES SEGERBLOM	LEONARD V. NEVIN
KATHY M. AUGUSTINE	LAWRENCE E. JACOBSEN
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 13.

Amend sec. 5, page 1, line 17, after "*is*" by inserting "*no longer*".

Amend sec. 5, page 2, line 4, after "*is*" by inserting "*no longer*".

Assemblyman Bache moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 138.

Remarks by Assemblyman Bache.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:37 p.m.

ASSEMBLY IN SESSION

At 12:02 a.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 152, 153, 161, 320, 333, 361, 430, 641, 661, 778, 782, 786, 787, 788; Assembly Concurrent Resolution No. 84; Assembly Resolution No. 12; Senate Bills Nos. 190, 430, 458, 490, 526, 554, 562, 568, 569, 571; Senate Concurrent Resolutions Nos. 17, 47.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Heller, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Karalyn Ditaranto, Michele Corso and Mr. Tom Clark.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Amy Magnuson and Master Adam Magnuson.

Assemblyman Porter moved that the Assembly adjourn until Friday, July 2, 1993 at 12:07 a.m.

Motion carried.

Assembly adjourned at 12:04 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-SIXTH DAY

CARSON CITY (Friday), July 2, 1993

Assembly called to order at 12:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Haller, who was excused.

Assemblyman Porter moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 482, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN EVANS, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 573, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 87, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 531, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Senate Bill No. 327, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MYRNA T. WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bills Nos. 498, 528, 561 declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Wendell Williams moved that Senate Bill No. 91 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Wendell Williams moved that Senate Bill No. 354 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 552.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Senate Bill No. 552:

Yeas—41.

Nays—None.

Absent—Haller.

Senate Bill No. 552 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 498.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Senate Bill No. 498:

Yeas—41.

Nays—None.

Absent—Haller.

Senate Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 528.

Bill read third time.

Remarks by Assemblymen Spitler and Collins.

Roll call on Senate Bill No. 528:

Yeas—18.

Nays—Anderson, Augustine, Bache, Bonaventura, Carpenter, Collins, de Braga, Evans, Freeman, Garner, Gibbons, Giunchigliani, Gregory, Heller, Hettrick, Humke, Lambert, McGaughey, Neighbors, Porter, Tiffany, Wendell Williams, Mr. Speaker—23.

Absent—Haller.

Senate Bill No. 528 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Senate Bill No. 561.

Bill read third time.

Remarks by Assemblymen Spitler and Gibbons.

Roll call on Senate Bill No. 561:

Yeas—34.

Nays—Bonaventura, Carpenter, Giunchigliani, Gregory, Porter, Tiffany, Wendell Williams—7.

Absent—Haller.

Senate Bill No. 561 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 91.

Bill read third time.

Remarks by Assemblyman Wendell Williams.

Roll call on Senate Bill No. 91:

Yeas—40.

Nays—de Braga.

Absent—Haller.

Senate Bill No. 91 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 354.

Bill read third time.

Remarks by Assemblymen Wendell Williams and Augustine.

Assemblymen Marvel, Gregory and Porter moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 354.

Roll call on Senate Bill No. 354:

Yeas—37.

Nays—Carpenter, Collins—2.

Absent—Haller.

Not voting—Augustine, Scherer—2.

Senate Bill No. 354 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 555.

Bill read third time.

Remarks by Assemblyman Porter.

Roll call on Senate Bill No. 555:

Yeas—41.

Nays—None.

Absent—Haller.

Senate Bill No. 555 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 569.

The following Senate amendment was read:

Amendment No. 1348.

Amend the bill as a whole by renumbering sections 56 and 57 as sections 57 and 58 and adding a new section designated sec. 56, following sec. 55, to read as follows:

"Sec. 56. Section 1 of Senate Bill No. 467 of this session is hereby amended to read as follows:

Section 1. NRS 687B.240 is hereby amended to read as follows:

687B.420 An insurer shall not cancel, fail to renew or renew with altered terms a policy or contract issued pursuant to chapter 688B, 689A, 689B, *689C, 695A,* 695B, 695C ,[or] 695D *or 695F* of NRS unless notice in writing of the proposal is given to the insured at least 60 days before the date the proposed action becomes effective. The notice must include, without limitation, any changes in specific rates by line of coverage.".

Amend sec. 57, page 26, by deleting line 35 and inserting:

"Sec. 58. 1. This section and sections 1 to 12, inclusive, 13 to 19, inclusive, and 21 to 57, inclusive, of this act become effective on July 1, 1993.

2. Sections 12.5 and 20 of this act become effective on January 1, 1994.".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 569.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 358.

The following Senate amendment was read:

Amendment No. 1238.

Amend sec. 15, page 3, line 30, by deleting "information" and inserting: "a consumer report".

Amend sec. 15, page 3, line 41, by deleting "the information" and inserting: "a consumer report".

Amend sec. 21, page 5, by deleting lines 1 and 2 and inserting:

"Sec. 21. If a reporting agency or user of information negligently fails to comply with any provision of this chapter with respect to any consumer, the reporting agency is".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 358.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 669.

The following Senate amendment was read:

Amendment No. 1146.

Amend sec. 11, page 4, line 38, by deleting "*10*" and inserting "*30*".

Amend sec. 11, page 5, line 5, by deleting "*and*".

Amend sec. 11, page 5, line 6, by deleting "*discharge.*" and inserting "*discharge; and*".

Amend sec. 11, page 5, between lines 6 and 7, by inserting:

"*(f) The name and address of the title insurer issuing the release.*".

Amend the bill as a whole by deleting sec. 12 and renumbering sections 13 and 14 as sections 12 and 13.

Amend sec. 14, page 6, line 26, by deleting "13" and inserting "12".

Assemblyman Porter moved that the Assembly concur in the Senate amendment to Assembly Bill No. 669.

Remarks by Assemblyman Porter.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 706.

The following Senate amendment was read:

Amendment No. 1289.

Amend the bill as a whole by deleting sections 1 through 10 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 244.3354 is hereby amended to read as follows:

244.3354 *1.* The proceeds of the tax imposed pursuant to NRS 244.3352 and any applicable penalty or interest must be distributed as follows:

[1.] *(a)* Three-eighths must be paid to the department of taxation for deposit with the state treasurer for credit to the fund for the promotion of tourism.

[2.] *(b)* Five-eighths must be deposited with the county fair and recreation board created pursuant to NRS 244A.599 or, if no such board is created, with the board of county commissioners, to be used to advertise the resources of that county related to tourism, including available accommodations, transportation, entertainment, natural resources and climate, and to promote special events related thereto.

2. In a county whose population is 400,000 or more, the money deposited pursuant to paragraph (b) of subsection 1 may also be used in the manner authorized by section 2 of this act.

Sec. 2. Chapter 244A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 2 and 3, in a county whose population is 400,000 or more, the county fair and recreation board, in addition to any other powers, may also use any money that it receives to pay the cost of projects for improving, operating or maintaining an airport, or any combination thereof, including, without limitation, projects designed to encourage tourism or to improve access to airports by tourists.

2. Money may only be used pursuant to this section with respect to an airport that is not less than 90 miles by road from any airport owned by the county with 100 or more scheduled flights per day.

3. No money may be expended pursuant to this section with respect to a particular airport:

(a) In excess of $500,000 during any fiscal year.

(b) During more than 3 fiscal years.

Sec. 3. NRS 268.0962 is hereby amended to read as follows:

268.0962 *1.* The proceeds of the tax imposed pursuant to NRS 268.096 and any applicable penalty or interest must be distributed as follows:

[1.] *(a)* Three-eighths must be paid to the department of taxation for deposit with the state treasurer for credit to the fund for the promotion of tourism.

[2.] *(b)* Five-eighths must be deposited with the county fair and recreation board created pursuant to NRS 244A.599 or, if no such board is created, with the city council or other governing body of the incorporated city , to be used to advertise the resources of that county or incorporated city related to tourism, including available accommodations, transportation, entertainment, natural resources and climate, and to promote special events related thereto.

2. In a county whose population is 400,000 or more, the money deposited pursuant to paragraph (b) of subsection 1 may also be used in the manner authorized by section 2 of this act.".

Amend the title of the bill to read as follows:

"An Act relating to counties; authorizing the county fair and recreation boards in larger counties to expend money to improve, operate or maintain certain airports; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes county fair and recreation boards in larger counties to expend money to improve, operate or maintain certain airports. (BDR 20-2090)".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 706.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 785.

The following Senate amendment was read:

Amendment No. 1267.

Amend the bill as a whole by renumbering sections 2 through 6 as sections 3 through 7 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. 1. Section 7 of Assembly Bill No. 499 of this session is hereby amended to read as follows:

Sec. 7. NRS 484.3792 is hereby amended to read as follows:

484.3792 1. Any person who violates the provisions of NRS 484.379:

(a) For the first offense within 7 years, is guilty of a misdemeanor. Unless he is allowed to undergo treatment as provided in NRS 484.3794, the court shall:

(1) Except as otherwise provided in subsection 6, order him to pay tuition for an educational course on the abuse of alcohol and controlled substances approved by the department and complete the course within the time specified in the order, and the court shall notify the department if he fails to complete the course within the specified time;

(2) Unless the sentence is reduced pursuant to NRS 484.3794, sentence him to imprisonment for not less than 2 days nor more than 6 months in jail, or to perform 48 hours of work for the community while dressed in distinctive garb which identifies him as having violated the provisions of NRS 484.379; and

(3) Fine him not less than $200 nor more than $1,000.

[The teacher of the educational course shall evaluate the offender and, if he finds the offender is an abuser of alcohol or controlled substances, he shall promptly report his findings to the court for its use.]

(b) For a second offense within 7 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484.3794, the court [shall sentence him to imprisonment] *:*

(1) Shall sentence him to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail [and] *; or*

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3768, inclusive, or 5.0755 to 5.079, inclusive;

(2) Shall fine him not less than $500 nor more than $1,000 [.] *; and*

(3) May order him to attend a program of treatment for the abuse of alcohol or drugs pursuant to the provisions of section 5 of this act.

A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) For a third or subsequent offense within 7 years, shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years and must be further punished by a fine of not less than $2,000 nor more than $5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. Any offense which occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. No person convicted of violating the provisions of NRS 484.379 may be released on probation, and no sentence imposed for violating those provisions may be suspended except, as provided in NRS 4.373, 5.055 and 484.3794, that portion of the sentence imposed that exceeds the mandatory minimum. No prosecuting attorney may dismiss a charge of violating the provisions of NRS 484.379 in exchange for a plea of

guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

4. Any term of confinement imposed under the provisions of this section may be served intermittently at the discretion of the judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within 7 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484.3794 and the suspension of his sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

5. Jail sentences simultaneously imposed under this section and NRS 483.560 or 485.330 must run consecutively.

6. If the person who violated the provisions of NRS 484.379 possesses a driver's license issued by a state other than Nevada and does not reside in Nevada, in carrying out the provisions of subparagraph (1) of paragraph (a) or (b) of subsection 1, the court shall:

(a) Order the person to pay tuition for and submit evidence of completion of an educational course on the abuse of alcohol and controlled substances approved by a governmental agency of the state of his residence within the time specified in the order; or

(b) Order him to complete an educational course by correspondence on the abuse of alcohol and controlled substances approved by the department within the time specified in the order,

and the court shall notify the department if the person fails to complete the assigned course within the specified time.

7. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

8. As used in this section, unless the context otherwise requires, "offense" means a violation of NRS 484.379 or 484.3795 or homicide resulting from the driving of a vehicle while under the influence of intoxicating liquor or a controlled substance, or the violation of a law of any other jurisdiction which prohibits the same or similar conduct.

2. Section 8 of Assembly Bill No. 499 of this session is hereby amended to read as follows:

Sec. 8. NRS 484.3794 is hereby amended to read as follows:

484.3794 1. A person who is found guilty of a first or second violation of NRS 484.379 within 7 years may, at that time or any time until he is sentenced, apply to the court to undergo a program of treatment for alcoholism or drug abuse for at least 1 year if:

(a) He is classified as an alcoholic or abuser of drugs by a:

(1) Counselor certified to make that classification by the bureau of alcohol and drug abuse of the rehabilitation division of the department of human resources; or

(2) Physician certified to make that classification by the board of medical examiners;

(b) He agrees to pay the costs of the treatment; and

(c) He has served or will serve a term of imprisonment in jail of:

(1) One day, or has performed or will perform 24 hours of work for the community, if it is his first offense within 7 years; or

(2) Five days if it is his second offense within 7 years.

2. A prosecuting attorney may, within 10 days after receiving notice of an application for treatment pursuant to this section, request a hearing on the matter. The court shall order a hearing on the application if the prosecuting attorney requests it or may order a hearing on its own motion.

3. At the hearing on the application for treatment the prosecuting attorney may present the court with any relevant evidence on the matter. If a hearing is not held, the court shall decide the matter upon affidavits and other information before it.

4. In granting an application for treatment the court shall:

(a) Immediately sentence the offender and enter judgment accordingly.

(b) Suspend the sentence for not more than 3 years upon the condition that the offender be accepted for treatment by a *treatment* facility , [approved by the state,] that he complete the treatment satisfactorily and that he comply with any other condition ordered by the court.

(c) Advise the offender that:

(1) If he is accepted for treatment by such a facility, he may be placed under the supervision of the facility for a period not to exceed 3 years and during treatment he may be confined in an institution or, at the discretion of the facility, released for treatment or supervised aftercare in the community.

(2) If he is not accepted for treatment by such a facility or fails to complete the treatment satisfactorily, he shall serve the sentence imposed by the court. Any sentence of imprisonment must be reduced by a time equal to that which he served before beginning treatment.

(3) If he completes the treatment satisfactorily, his sentence will be reduced to a term of imprisonment which is no longer than that provided for the offense in paragraph (c) of subsection 1 and a fine of not more than the minimum provided for the offense in NRS 484.3792, but the conviction remains on his record of criminal history.

5. The court shall administer the program of treatment pursuant to the procedures provided in NRS 458.320 and 458.330, except that the court:

(a) Shall not defer the sentence, set aside the conviction or impose conditions upon the election of treatment not provided in this section.

(b) May immediately revoke the suspension of sentence for a violation of any condition of the suspension.

6. The court shall notify the department, on a form approved by the department, upon granting the offender's application for treatment and his failure to be accepted for or complete treatment.".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 785.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 374.

The following Senate amendment was read:

Amendment No. 1338.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 29, following the enacting clause, to read as follows:

"Section 1. Chapter 616 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *As used in sections 3 and 4 of this act, unless the context otherwise requires:*

1. "Common agreement" means a contract between two or more providers of health care to form an organization for managed care to provide comprehensive medical and health care services pursuant to a contract entered into with the manager in accordance with section 75 of Senate Bill No. 316 of this session.

2. "Provider of health care" means a:

(a) Health facility, as defined in NRS 439A.015; or

(b) A practitioner, as defined in NRS 439A.0195.

Sec. 3. *1. Two or more licensed providers of health care who wish to organize a group of providers of health care to enter into a common agreement may apply to the commissioner for a preliminary permit by submitting to the commissioner:*

(a) An application on a form prescribed by the commissioner which must include the names and addresses of the organizers and any other information that the commissioner determines necessary;

(b) An affidavit signed by the organizers stating that the only purpose of communication among them is to discuss forming an organization for managed care to provide comprehensive medical and health care services pursuant to a common agreement; and

(c) A nonrefundable application fee of $100.

2. Upon receipt of an application made pursuant to subsection 1, the commissioner shall review the information submitted and issue a preliminary permit within 30 days after receipt of a complete application and all other information and the fee required by subsection 1.

3. A preliminary permit authorizes the organizers to whom the permit is issued to discuss forming an organization for managed care to provide

comprehensive medical and health care services pursuant to a common agreement with other providers of health care for 1 year after the date of the issuance of the permit.

4. A preliminary permit issued pursuant to this section may be renewed by the commissioner for additional 1-year periods upon receipt of:

(a) An application for renewal submitted on a form prescribed by the commissioner which includes such information as the commissioner determines necessary; and

(b) A fee of $100.

Sec. 4. *1. Two or more licensed providers of health care may apply to the commissioner for a permit to form an organization for managed care to provide comprehensive medical and health care services pursuant to a common agreement by submitting to the commissioner:*

(a) An application on a form prescribed by the commissioner which must include the names and addresses of all providers of health care who are included in the agreement and any other information that the commissioner determines necessary;

(b) A copy of the proposed agreement; and

(c) A nonrefundable application fee of $500.

2. Upon receipt of an application made pursuant to subsection 1, the commissioner shall review the information submitted and issue a permit if he finds that:

(a) The stated purpose of the agreement is to form an organization for managed care to provide comprehensive medical and health care services under a common agreement;

(b) Only licensed providers of health care are included in the agreement;

(c) The concentration of health care services represented in the common agreement will not adversely affect competition among the organizations currently providing or indemnifying or arranging for health care services;

(d) None of the providers of health care will be required under the agreement to be compensated or reimbursed at an amount less than reasonably necessary to defray the cost of the services provided; and

(e) The requirements of subsection 1 have been met.

3. A permit issued pursuant to this section authorizes the providers of health care to whom the permit is issued to form an organization for managed care to provide comprehensive medical and health care services pursuant to the common agreement for 1 year after the date of the issuance of the permit.

4. A permit issued pursuant to this section may be renewed by the commissioner for additional 1-year periods upon receipt of:

(a) An application for renewal submitted on a form prescribed by the commissioner which includes such information as the commissioner determines necessary; and

(b) A fee of $500.

5. If the providers of health care included in a common agreement wish to modify any provision of the agreement, including the addition of providers of health care, they shall submit an application for modification to the

commissioner on a form prescribed by the director with a nonrefundable application fee of $100. If the modification would result in an agreement which meets the requirements of this section, the commissioner shall approve the modification. The commissioner shall approve or deny an application for the modification of an agreement within 60 days after receipt of a complete application and the required fee.

6. If, after a public hearing on the matter, the commissioner finds that a change in the conditions in the marketplace has occurred which has rendered an agreement restrictive to competition in the provision of health care services, the commissioner shall revoke the permit for the agreement. Any such revocation becomes effective 60 days after the commissioner provides notice of the decision to the providers of health care included in the agreement.

7. The revocation of an agreement pursuant to subsection 6 is a final decision for the purposes of judicial review.

Sec. 5. *If the manager enters into a contract with one or more organizations for managed care to provide comprehensive medical and health care services to injured employees whose employers are insured by the system, an employer insured by the system may select the organization for managed care in whose plan he wishes to participate if the selection is made in a manner prescribed by the manager that ensures compliance with the statutory limitations set forth in this chapter.*

Sec. 6. NRS 616.380 is hereby amended to read as follows:

616.380 1. In addition to the authority given the manager to determine and fix premium rates of employers as provided in NRS 616.395 to 616.405, inclusive, the manager:

(a) Shall apply that form of rating system which, in his judgment, is best calculated to rate each individual risk more equitably, predicated upon the basis of the employer's individual experience;

(b) Shall adopt equitable regulations controlling the rating of each risk, which regulations, however, must conserve to each risk the basic principles of industrial insurance; and

(c) May subscribe to a rating service of any rating organization for casualty, fidelity and surety insurance rating.

2. The rating system or any rating by a rating organization pursuant to this section is subject to the limitation that the amount of any increase or reduction of premium rate, additional charge of premiums or payment of dividends must be in the discretion of the manager.

3. The rating system provided by this section is subject to the following further limitations:

(a) All studies conducted by the manager to determine the adequacy of rate levels and the equity of rates among classifications must be conducted in the presence of an actuary designated by the commissioner.

(b) The manager shall file revised premium rates, revised classifications of employment and changes of the multiplier applied generally to classes of risk with the commissioner and give written public notice to the employers affected by the changes at least:

(1) Sixty days before the effective date of any projected change in premiums or projected change of multiplier; and

(2) Thirty days before the effective date of any change decided upon.

The commissioner shall review the revised rates and classifications and advise the manager of the changes which are not consistent with NRS 686B.050 and 686B.060.

(c) Any employer affected by a change in a revised premium rate or a revised classification of employment may request the commissioner to hold a hearing before the effective date of the change. At the hearing, the commissioner shall consider the objections raised by any party appearing at the hearing. An employer may not appeal a decision of the commissioner concerning a revised premium rate or a revised classification of employment to the manager.

(d) Premium rates must not be fixed at a level higher than that required to:

(1) Pay the obligations created by this chapter and associated administrative expenses.

(2) Provide for a reasonable reserve for claims.

(3) Provide for contingencies such as a catastrophe, economic change, change in judicial interpretations of the law, legislative amendments of the law, deficiencies in the reserve and other events which cannot be predicted accurately and could endanger the solvency of the fund.

The commissioner may order the manager to make any adjustments necessary to meet the requirements of this paragraph.

4. In determining and fixing premium rates, the manager may establish a varying schedule of rates for workers who are in the classification of employment designated as construction which reflects the varying hourly rates of wages paid to such workers.

5. Subsections 2 and 3 do not apply to a rating plan made by voluntary agreement between the manager and an employer which increases or reduces premiums for the employer. The voluntary rating plan may be retrospective in nature. A voluntary rating plan must be in writing and signed by the manager and the employer.

6. The manager shall adopt by regulation a plan for reviewing employers insured by the system who have excessive losses, as defined by the plan, in order to encourage those employers to pay for their losses and correct their loss experience. The plan [may] *:*

(a) Must identify an employer with excessive losses as an employer:

(1) Whose incurred losses exceeded his manual premium in:

(I) The two most recent fiscal years of his period of experience; or

(II) The most recent fiscal year of his period of experience and in 2 of the 3 fiscal years preceding that fiscal year; and

(2) Who paid a premium in a minimum amount to be established by the manager in each of the fiscal years in which his losses exceeded his manual premium pursuant to subparagraph (1).

(b) May include requirements for:

[(a)] *(1)* The payment of surcharges by such an employer;

[(b)] *(2)* Mandatory retrospective rating plans;

[(c)] *(3)* An increase in the amount of the deductible required to be paid by such an employer pursuant to subsection 1 of section 73 of [this act;

(d)] *Senate Bill No. 316 of this session;*

(4) Changes in the limitations placed on the experience modification plan for such an employer; or

[(e)] *(5)* Any combination of [paragraphs (a), (b), (c) and (d).] *subparagraphs (1), (2), (3) and (4).*

The plan must include procedures for the termination of an employer's participation in the plan when the employer has corrected his excessive loss experience. The commissioner shall review the plan adopted pursuant to this subsection.

Sec. 7. NRS 616.5422 is hereby amended to read as follows:

616.5422 1. Any party aggrieved by a decision of the hearing officer relating to a claim for compensation may appeal from the decision by filing a notice of appeal with an appeals officer within 30 days after the date of the decision.

2. If a dispute is required to be submitted to a procedure for resolving complaints pursuant to section 79 of [this act] *Senate Bill No. 316 of this session* and:

(a) A final decision was rendered pursuant to that procedure; or

(b) The dispute was not resolved pursuant to that procedure within 14 days after it was submitted,

[the employee or, in the event of his death, his dependent] *any party to the dispute* may file a notice of appeal within 70 days after the date on which the final decision was mailed to the employee, or his dependent, or the unanswered request for resolution was submitted. Failure to render a written decision within 30 days after receipt of such a request shall be deemed by the appeals officer to be a denial of the request.

3. The filing of a notice of appeal does not automatically stay the enforcement of the decision of a hearing officer or a decision rendered pursuant to section 79 of [this act.] *Senate Bill No. 316 of this session.* The appeals officer may order a stay, when appropriate, upon the application of a party.

4. The appeals officer shall, within 10 days after receiving a notice of appeal pursuant to this section or a contested claim pursuant to subsection 5 of NRS 616.5412, schedule a hearing for a date and time within 90 days after his receipt of the notice and give notice by mail or by personal service to all parties to the matter and their attorneys or agents at least 30 days before the date and time scheduled. A request to schedule the hearing for a date and time within 60 days after the receipt of the notice of appeal or contested claim may be submitted to the appeals officer only if all parties to the appeal or contested claim agree to the request.

5. An appeal or contested claim may be continued upon written stipulation of all parties, or upon good cause shown.

6. Failure to file a notice of appeal within the period specified in subsection 1 or 2 may be excused if the party aggrieved shows by a

preponderance of the evidence that he did not receive the notice of the decision and the forms necessary to appeal the decision. The claimant, employer or insurer shall notify the hearing officer of a change of address.

Sec. 8. NRS 616.545 is hereby amended to read as follows:

616.545 1. If an application to reopen a claim to increase or rearrange compensation is made in writing more than 1 year after the date on which the claim was closed, the insurer shall reopen the claim if:

(a) A change of circumstances warrants an increase or rearrangement of compensation during the life of the claimant;

(b) The primary cause of the change of circumstances is the injury for which the claim was originally made; and

(c) The application is accompanied by the certificate of a physician or a chiropractor showing a change of circumstances which would warrant an increase or rearrangement of compensation.

2. After a claim has been closed, the insurer, upon receiving an application and for good cause shown, may authorize the reopening of the claim for medical investigation only. The application must be accompanied by a written request for treatment from the physician or chiropractor treating the claimant, certifying that the treatment is indicated by a change in circumstances and is related to the industrial injury sustained by the claimant.

3. If a claimant applies for a claim to be reopened pursuant to subsection 1 or 2 and a final determination denying the reopening is issued, the claimant shall not reapply to reopen the claim until at least 1 year after the date on which the final determination is issued.

4. Except as otherwise provided in subsection 5, if an application to reopen a claim is made in writing within 1 year after the date on which the claim was closed, the insurer shall reopen the claim only if [there] *:*

(a) The application is supported by medical evidence demonstrating an objective change in the medical condition of the claimant; and

(b) There is clear and convincing evidence that the primary cause of the change of circumstances is the injury for which the claim was originally made.

5. An application to reopen a claim must be made in writing within 1 year after the date on which the claim was closed if:

(a) The claimant was not off work as a result of the injury; and

(b) The claimant did not receive benefits for a permanent partial disability.

If an application to reopen a claim to increase or rearrange compensation is made pursuant to this subsection, the insurer shall reopen the claim if the requirements set forth in paragraphs (a), (b) and (c) of subsection 1 are met.

6. If an employee's claim is reopened pursuant to this section, he is not entitled to vocational rehabilitation services or benefits for a temporary total disability if, before his claim was reopened, he:

(a) Retired; or

(b) Otherwise voluntarily removed himself from the work force,

for reasons unrelated to the injury for which the claim was originally made.

7. One year after the date on which the claim was closed, an insurer may dispose of the file of a claim authorized to be reopened pursuant to subsection 5, unless an application to reopen the claim has been filed pursuant to that subsection.

8. An increase or rearrangement of compensation is not effective before an application for reopening a claim is made unless good cause is shown. The insurer shall, upon good cause shown, allow the cost of emergency treatment the necessity for which has been certified by a physician or a chiropractor.

9. A claim that automatically closes pursuant to subsection 2 of NRS 616.567 may not be reopened pursuant to this section.

Sec. 9. NRS 616.585 is hereby amended to read as follows:

616.585 1. Except as otherwise provided in this section, section 19 of [this act] *Senate Bill No. 316 of this session* and NRS 616.545, every employee in the employ of an employer, within the provisions of this chapter, who is injured by accident arising out of and in the course of employment, or his dependents, is entitled to receive for the period of temporary total disability, 66⅔ percent of the average monthly wage.

2. Except as otherwise provided in NRS 616.252, an injured employee or his dependents are not entitled to accrue or be paid any benefits for a temporary total disability during the time the injured employee is incarcerated. The injured employee or his dependents are entitled to receive such benefits when the injured employee is released from incarceration if he is certified as temporarily totally disabled by a physician or chiropractor.

3. If a claim for the period of temporary total disability is allowed, the first payment pursuant to this section must be issued by the insurer within 14 working days after receipt of the initial certification of disability and regularly thereafter.

4. Any increase in compensation and benefits effected by the amendment of subsection 1 is not retroactive.

5. Payments for a temporary total disability must cease when:

(a) A physician or chiropractor determines that the employee is physically capable of any gainful employment for which the employee is suited, after giving consideration to the employee's education, training and experience;

(b) The employer offers the employee light-duty employment or employment that is modified according to the limitations or restrictions imposed by a physician or chiropractor pursuant to subsection 7; or

(c) Except as otherwise provided in NRS 616.252, the employee is incarcerated.

6. [The insurer shall issue to the injured employee, not less than 6 working days before the end of the period specified in the form, a check for the compensation due the employee for that period, if:

(a) The injured employee has completed and returned the form to the insurer; or

(b) There is documentation with the insurer which indicates a continuing disability during that period.

A check shall be deemed delivered upon the date that it is postmarked, if it is

properly addressed and the postage is prepaid.] *Each insurer may, with each check that it issues to an injured employee for a temporary total disability, include a form approved by the department for the injured employee to request continued compensation for the temporary total disability.*

7. A certification of disability issued by a physician or chiropractor must:

(a) Include the period of disability and a description of any physical limitations or restrictions imposed upon the work of the employee;

(b) Specify whether the limitations or restrictions are permanent or temporary; and

(c) Be signed by the physician or chiropractor.

8. If certification of disability specifies that the physical limitations or restrictions are temporary, the employer of the employee at the time of his accident is not required to comply with NRS 616.222 and sections 21.2 to 21.8, inclusive, of [this act] *Senate Bill No. 316 of this session* or the regulations adopted by the division governing vocational rehabilitation services if the employer offers the employee a position that is substantially similar to the employee's position at the time of his injury in relation to the location of the employment, the hours he is required to work and the salary he will be paid.

Sec. 10. NRS 616.6283 is hereby amended to read as follows:

616.6283 1. [Each person who is] *The dependents of an injured employee who are* receiving or [is] *are* entitled to receive compensation for a permanent total disability pursuant to NRS 616.580 or a death benefit pursuant to NRS 616.615 for an industrial injury or occupational disease which occurred before July 1, 1980, [is] *are* entitled to receive compensation of not less than $600 each month [.] *, to be divided amongst them as provided in this chapter.*

2. A self-insured employer shall provide for the increase in monthly compensation required by subsection 1 for each person who would be entitled to receive the increase if the provisions of this section were applicable to the employer.

3. A person who is entitled to receive an increase in his monthly compensation pursuant to subsection 1 is not required to accept that increase.

4. The administrator shall adopt regulations to carry out the provisions of this section.

Sec. 11. NRS 232.215 is hereby amended to read as follows:

232.215 The director:

1. Shall appoint a chief of the risk management division.

2. Shall appoint a chief of the budget division, or may serve in this position if he has the qualifications required by NRS 353.175.

3. Shall serve as chief of the hearings division and shall appoint the hearing officers and compensation officers. [Except as otherwise provided in section 22.5 of this act, the hearing officers are in the classified service of

the state.] The director may designate one of the appeals officers in the division to supervise the administrative, technical and procedural activities of the division.

4. Shall serve as chairman of the state public works board.

5. Is responsible for the administration, through the divisions of the department, of the provisions of NRS 331.182 to 331.186, inclusive, 353.150 to 353.246, inclusive, and all other provisions of law relating to the functions of the divisions of the department.

6. Has such other powers and duties as are provided by law.

Sec. 12. NRS 277.055 is hereby amended to read as follows:

277.055 1. As used in this section:

(a) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(b) "Nonprofit medical facility" means a nonprofit medical facility in this or another state.

(c) "Public agency" has the meaning ascribed to it in NRS 277.100, and includes any municipal corporation.

2. Any two or more public agencies or nonprofit medical facilities may enter into a cooperative agreement for the purchase of insurance or the establishment of a self-insurance reserve or fund for coverage under a plan of:

(a) Casualty insurance, [other than workmen's compensation and employer's liability,] as that term is defined in NRS 681A.020;

(b) Marine and transportation insurance, as that term is defined in NRS 681A.050;

(c) Property insurance, as that term is defined in NRS 681A.060;

(d) Surety insurance, as that term is defined in NRS 681A.070; or

(e) Insurance for any combination of these kinds.

3. Every such agreement must:

(a) Be ratified by formal resolution or ordinance of the governing body or board of trustees of each agency or nonprofit medical facility included;

(b) Be included in the minutes of each governing body or board of trustees, or attached in full to the minutes as an exhibit;

(c) Be submitted to the commissioner of insurance for approval in the manner provided by NRS 277.150; and

(d) If a public agency is a party to the agreement, comply with the provisions of NRS 277.080 to 277.180, inclusive.

4. Each participating agency or nonprofit medical facility shall provide for any expense to be incurred under any such agreement.

Sec. 13. Section 20 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 20. 1. Except as otherwise provided in this section, an injury or disease sustained by an employee that is caused by stress is compensable pursuant to the provisions of this chapter or chapter 617 of NRS if it arose out of and in the course of his employment.

2. Any ailment or disorder caused by any gradual mental stimulus, and any death or disability ensuing therefrom, shall be deemed not to be an injury or disease arising out of and in the course of employment.

3. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment only if the employee proves by clear and convincing medical or psychiatric evidence that:

(a) He has a mental injury caused by extreme stress in time of danger;

(b) The [conditions at his place of employment were the] primary cause of the injury [;] *was an event that arose out of and during the course of his employment;* and

(c) The stress was not caused by his layoff, the termination of his employment or any disciplinary action taken against him.

4. The provisions of this section do not apply to a person who is claiming compensation pursuant to NRS 617.457.

Sec. 14. Section 21.3 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 21.3. 1. Except as otherwise provided in this section, if benefits for a total temporary disability [have been] *will be* paid to an injured employee for more than 90 days, a vocational rehabilitation counselor shall, within 30 days [,] *after being assigned to the claim,* make a written assessment of the injured employee's ability or potential to return to:

(a) The position he held at the time that he was injured; or

(b) Any other gainful employment.

2. Before completing the written assessment, the counselor shall:

(a) Contact the injured employee and:

(1) Identify the injured employee's educational background, work experience and career interests; and

(2) Determine whether the injured employee has any existing marketable skills.

(b) Contact the injured employee's treating physician or chiropractor and determine:

(1) Whether the employee has any temporary or permanent physical limitations;

(2) The estimated duration of the limitations;

(3) Whether there is a plan for continued medical treatment; and

(4) When the employee may return to the position that he held at the time of his injury or to any other position. The treating physician or chiropractor shall determine whether an employee may return to the position that he held at the time of his injury.

3. The written assessment must contain a determination as to whether the employee is eligible for vocational rehabilitation services pursuant to NRS 616.222. If the insurer, with the assistance of the counselor, determines that the employee is eligible for vocational rehabilitation services, a plan for a program of vocational rehabilitation must be completed pursuant to section 21.4 of [this act.] *Senate Bill No. 316 of this session.*

4. The division may, by regulation, require a written assessment to include additional information.

5. If an insurer determines that the written assessment required by this section is impractical because of the expected duration of the employee's total temporary disability, the insurer shall:

(a) Complete a written report which specifies his reasons for the decision; and

(b) Review the claim at least once every 60 days.

6. The insurer shall mail a copy of the written assessment or the report completed pursuant to subsection 5 to the injured employee, his employer, the treating physician or chiropractor and the injured employee's attorney or representative, if applicable.

7. For the purposes of this section, "existing marketable skills" include, but are not limited to:

(a) Completion of:

(1) A program at a trade school;

(2) A program which resulted in an associate's degree; or

(3) A course of study for certification,

if the program or course of study provided the skills and training necessary for the injured employee to be gainfully employed on a reasonably continuous basis in an occupation that is reasonably available in this state.

(b) Completion of a 2-year or 4-year program at a college or university which resulted in a degree.

(c) Completion of any portion of a program for a graduate's degree at a college or university.

(d) Skills acquired in previous employment, including those acquired during an apprenticeship or a program for on-the-job training.

The skills set forth in paragraphs (a) to (d), inclusive, must have been acquired within the preceding 7 years and be compatible with the physical limitations of the injured employee to be considered existing marketable skills.

Sec. 15. Section 21.4 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 21.4. 1. A vocational rehabilitation counselor shall develop a plan for a program of vocational rehabilitation for each injured employee who is eligible for vocational rehabilitation services pursuant to NRS 616.222. The counselor shall work with the insurer and the injured employee to develop a program that is compatible with the injured employee's age, sex and physical condition.

2. If the counselor determined in the written assessment developed pursuant to section 21.3 of [this act] *Senate Bill No. 316 of this session* that the injured employee has existing marketable skills, the plan must consist of job placement assistance only. When practicable, the goal of job placement assistance must be to aid the employee in finding a position which pays a gross wage that is equal to or greater than 80 percent of the gross wage that he was earning at the time of his injury.

An injured employee must not receive job placement assistance for more than 90 days after the date on which he was notified that he is eligible only for job placement assistance because:

(a) He was physically capable of returning to work; or

(b) It was determined that he had existing marketable skills.

3. If the counselor determined in the written assessment developed pursuant to section 21.3 of [this act] *Senate Bill No. 316 of this session* that the injured employee does not have existing marketable skills, the plan must consist of a program which trains or educates the injured employee and provides job placement assistance. Except as otherwise provided in section 21.45 of [this act,] *Senate Bill No. 316 of this session,* such a program must not exceed:

(a) If the injured employee has incurred a permanent physical impairment of less than 6 percent, 6 months.

(b) If the injured employee has incurred a permanent physical impairment of 6 percent or more, but less than 11 percent, 9 months.

(c) If the injured employee has incurred a permanent physical impairment of 11 percent or more, 1 year.

The percentage of the injured employee's permanent physical impairment must be determined pursuant to NRS 616.605.

4. A plan for a program of vocational rehabilitation must comply with the requirements set forth in section 22 of [this act.] *Senate Bill No. 316 of this session.*

5. A program of vocational rehabilitation must not commence before the treating physician or chiropractor, or an examining physician or chiropractor determines that the injured employee is capable of safely participating in the program.

6. If, based upon the opinion of *a treating or* an examining physician or chiropractor, the counselor determines that an injured employee is not eligible for vocational rehabilitation services, the counselor shall provide a copy of the opinion to the [treating physician or chiropractor] *injured employee, the injured employee's employer* and the insurer.

7. The division shall adopt regulations to carry out the provisions of this section. The regulations must specify the contents of a plan for a program of vocational rehabilitation.

Sec. 16. Section 21.45 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 21.45. 1. A program for vocational rehabilitation developed pursuant to subsection 3 of section 21.4 of [this act] *Senate Bill No. 316 of this session* may be extended [in] *:*

(a) Without condition or limitation, by the insurer at his sole discretion; or

(b) In accordance with this section if [the] *:*

(1) The injured employee makes a written request to extend the program within 30 days after he receives written notification that he is eligible for vocational rehabilitation services [and:

(a)] *; and*

(2) There are exceptional circumstances which make it unlikely that the injured employee will obtain suitable gainful employment as a result of vocational rehabilitation which is limited to the period for which he is eligible . [; or

(b) The insurer decides to extend the program for other reasons.] An insurer's determination to grant or deny an extension pursuant to [this] paragraph *(a)* may not be appealed.

2. If an injured employee has incurred a permanent physical impairment of less than 11 percent:

(a) The total length of the program, including any extension, must not exceed 1 year.

(b) "Exceptional circumstances" shall be deemed to exist for the purposes of paragraph [(a)] *(b)* of subsection 1, if:

(1) The injured employee lacks work experience, training, education or other transferable skills for an occupation which he is physically capable of performing; or

(2) Severe physical restrictions as a result of the industrial injury have been imposed by a physician which significantly limit the employee's occupational opportunities.

3. If an injured employee has incurred a permanent physical impairment of 11 percent or more:

(a) The total length of the program, including any extension, must not exceed 2 years.

(b) "Exceptional circumstances" shall be deemed to exist for the purposes of paragraph [(a)] *(b)* of subsection 1, if the injured employee has suffered:

(1) The total and permanent loss of sight of both eyes;

(2) The loss by separation of a leg at or above the knee;

(3) The loss by separation of a hand at or above the wrist;

(4) An injury to the head or spine which results in permanent and complete paralysis of both legs, both arms or a leg and an arm;

(5) An injury to the head which results in a severe cognitive functional impairment which may be established by a nationally recognized form of objective psychological testing;

(6) The loss by separation of an arm at or above the elbow and the loss by separation of a leg at or above the knee;

(7) An injury consisting of second or third degree burns on 50 percent or more of the body, both hands or the face;

(8) A total bilateral loss of hearing;

(9) The total loss or significant and permanent impairment of speech; or

(10) A permanent physical impairment of 50 percent or more determined pursuant to NRS 616.605, if the severity of the impairment limits the injured employee's gainful employment to vocations that are primarily intellectual and require a longer program of education.

4. The insurer shall mail a copy of its decision granting or denying an extension to the injured employee and the employer. Except as otherwise provided in this section, the decision shall be deemed to be a final determination of the insurer for the purposes of NRS 616.5412.

Sec. 17. Section 21.7 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 21.7. 1. A plan for a program of vocational rehabilitation developed pursuant to section 21.4 of [this act] *Senate Bill No. 316 of this session* may include a program for on-the-job training, if the training is suitable for the injured employee.

2. Before an injured employee may participate in a program for on-the-job training, the insurer and the employer must execute a written agreement which contains an explanation of the training and a schedule for that training.

3. Except as otherwise provided in subsection 4, the insurer may pay not more than 50 percent of the wages of an injured employee who is participating in a program for on-the-job training. An insurer contributing toward the wages of an injured employee shall pay the employee within 10 days after the employee submits documentation of his payroll to the insurer. The insurer shall not contribute to the wages of the injured employee for more than the period authorized for the particular employee pursuant to subsection 3 of section 21.4 or section 21.45 of [this act.] *Senate Bill No. 316 of this session.*

4. The insurer shall, within 30 days after receipt of a request for payment, reimburse the training employer for the wages paid by the training employer to the injured employee pursuant to this section if:

(a) After the successful completion of the training, the training employer continues to employ the injured employee for at least [1 year] *90 days* in a position which requires the training so obtained; or

(b) The injured employee:

(1) Within 30 days after his successful completion of the training, obtains employment which requires the skills obtained by him as a direct result of the training provided by the training employer; and

(2) Retains that or similar employment for at least [1 year] *6 months* after the completion of the training.

Sec. 18. Section 63 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 63. If a [claimant] *person* is convicted of violating any of the provisions of NRS 616.630, 616.635, 616.675, 616.690 or 616.700, or sections 54 to 57, inclusive, or section 60 of [this act,] *Senate Bill No. 316 of this session,* he:

1. Forfeits all rights to compensation under this chapter or chapter 617 of NRS after conviction for the offense; and

2. Is liable for the reasonable costs incurred by [the] *an* insurer *and the office of the attorney general* to investigate and act upon the violation, and for the payments or benefits fraudulently obtained [.] *under this chapter or chapter 617 of NRS.*

Sec. 19. Section 75 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 75. The manager shall not enter into a contract with an organization for managed care unless:

1. The provisions of the contract are approved by the commissioner;

2. The contract contains a provision authorizing the manager to cancel the contract, by written notice, if the manager determines that:

(a) The organization's plan for providing medical and health care services does not comply with the requirements of this section; or

(b) Services under the organization's plan are not being provided in accordance with the terms of the contract;

3. [The organization has been issued a certificate of authority by the commissioner pursuant to chapter 695F of NRS; and

4.] The organization's proposed plan for providing medical and health care services:

(a) Will provide all medical and health care services that may be required for industrial injuries and occupational diseases that are compensable under this chapter and chapter 617 of NRS, in a manner that assures the availability and accessibility of adequate treatment to injured employees;

(b) Does not exclude from participation in the proposed plan any category of providers of health care who are required to be licensed or certified to practice in this state and willing to comply with the terms and conditions required by the organization to participate in the proposed plan;

(c) Gives injured employees an adequate choice of providers of health care who have contracted with the organization to participate in the proposed plan;

(d) [Ensures that, if medical and health care services are to be provided by the organization:

(1) In a county whose population is 50,000 or more, an injured employee residing or employed in that county may choose the services of any provider of health care located in that county or an adjacent county if the employee's residence is not within a 20-mile radius of a provider of health care who has contracted with the organization to participate in the plan and provide the services required by the employee; and

(2) In a county whose population is less than 50,000, an injured employee residing or employed in that county may choose the services of any provider of health care located in that county or an adjacent county;

(e)] Provides appropriate financial incentives to reduce costs of medical and health care services without affecting the quality of care provided;

[(f)] *(e)* Includes procedures for auditing bills submitted by providers of health care;

[(g)] *(f)* Includes procedures for obtaining approval for all major medical procedures before they are performed;

[(h)] *(g)* Provides adequate procedures for assuring the quality of care provided, including peer review, utilization review and the resolution of disputes that:

(1) Prevent inappropriate or excessive treatment;

(2) Exclude providers of health care who do not comply with the standards of treatment adopted by the organization; and

(3) Provide for the resolution of complaints submitted to the organization pursuant to section 79 of [this act; and

(i)] *Senate Bill No. 316 of this session;*

(h) Provides a program for returning injured workers to work as soon as possible [.] *; and*

(i) Ensures that, if medical and health care services are to be provided by the organization:

(1) In a county whose population is 100,000 or more, an injured employee residing or employed in that county may choose the services of any provider of health care located in that county or an adjacent county if the employee's residence is not within a 20-mile radius of a provider of health care who has contracted with the organization to participate in the plan and provide the services required by the employee.

(2) In a county whose population is less than 100,000, an injured employee residing or employed in that county may choose the services of any provider of health care located in that county or an adjacent county if such services are available. If such services are not available, the injured employee may choose the services of any provider of health care located in the state.

The fees charged by a provider of health care chosen by an injured employee pursuant to this paragraph may not exceed the fees established in accordance with NRS 616.412 or the usual fee charged by that provider, whichever is less.

Sec. 20. Section 77 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 77. 1. The manager shall cause to be conducted [such independent evaluations as he deems necessary of] *additional independent utilization reviews to evaluate properly* the medical and health care services provided by an organization for managed care and providers of health care to injured employees who are insured by the system.

2. The manager shall contract with a private person to conduct [such evaluations.] *additional independent utilization reviews. The manager shall not enter into a contract pursuant to this subsection with:*

(a) Any natural person who is a legal or beneficial owner of an organization for managed care or responsible for the management of an organization for managed care, or a member of the immediate family of such an owner or person; or

(b) Any business entity if a legal or beneficial owner of the entity, any person responsible for the management of the entity, or any member of

the immediate family of such an owner or person is also the legal or beneficial owner or a person responsible for the management of an organization for managed care.

3. An independent [evaluation] *utilization review* conducted pursuant to this section must include:

(a) An audit of the records of an organization for managed care or a provider of health care to determine the appropriateness and necessity of the medical and health care services provided to injured employees who are insured by the system;

(b) A review of the procedures established by an organization for managed care for utilization review, the standards of care adopted by the organization and the effectiveness of the organization's plan for providing medical and health care services to injured employees who are insured by the system; and

(c) An evaluation of such other procedures used by an organization for managed care to ensure the quality of care provided, including, without limitation:

(1) The methods used to approve major medical procedures before they are performed;

(2) The procedures for determining the appropriateness of stays in hospitals;

(3) Peer reviews; and

(4) The procedures used to review the services provided to injured employees.

4. Any person performing an independent [evaluation] *utilization review* pursuant to this section may require an organization for managed care or a provider of health care to submit such information as is necessary to evaluate properly the medical and health care services provided to injured employees who are insured by the system.

5. As used in this section, "member of the immediate family" means a grandparent, parent, stepparent, spouse, brother, sister, half brother, half sister, natural born child, adopted child, step child or grandchild.

Sec. 21. Section 79 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 79. 1. *If a person is dissatisfied with a decision of an insurer who has contracted with an organization for managed care that relates to accident benefits, the insurer shall render a final determination relating to that dispute within 21 days after the dispute is submitted to the insurer.*

2. Except as otherwise provided in subsection [2,] *3*, any person who is aggrieved by [a] *that final* determination [of an insurer who has contracted with an organization for managed care that relates to accident benefits] must, before requesting a resolution of the dispute pursuant to NRS 616.5422 to 616.544, inclusive, appeal that determination in accordance with the procedure for resolving complaints established by the organization for managed care.

[2.] *3.* If a person appeals a *final* determination pursuant to a procedure for resolving complaints established by an organization for managed care and the dispute is not resolved within 14 days after it is submitted, he may request a resolution of the dispute pursuant to NRS 616.5422 to 616.544, inclusive.

Sec. 22. Section 178 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 178. NRS 616.5415 is hereby amended to read as follows:

616.5415 1. *It is unlawful for any person to represent an employee before a hearings officer unless he is:*

(a) Employed full time by the employee's labor organization;

(b) Admitted to practice law in this state; or

(c) Appearing without compensation on behalf of the employee.

It is unlawful for any person who is not admitted to practice law in this state to represent the employee before an appeals officer.

2. It is unlawful for any person [who is not:] *to represent an employer at hearings of contested cases unless that person is:*

(a) Employed full time by the employer or [the employee's labor organization;] *a trade association to which the employer belongs that is not formed solely for the purpose of providing representation at hearings of contested cases;*

(b) *An employer's representative licensed pursuant to subsection 3 who is not licensed as a third-party administrator;*

(c) Admitted to practice law in this state; or

[(c) Appearing without compensation on behalf of another,

to represent the employer or employee at hearings of contested cases unless licensed to do so by the commissioner.

2. The commissioner]

(d) A licensed third-party administrator.

3. The director of the department of administration shall adopt regulations which include the:

(a) Requirements for licensure of employers' [and employees'] representatives, including:

(1) The registration of each representative; and

(2) The filing of a copy of each written agreement for the compensation of a representative;

(b) Procedure for such licensure; and

(c) Causes for revocation of such a license, including any applicable action listed in NRS 616.647 or a violation of this section.

[3.] *4.* Any person who is employed by or contracts with an employer to represent the employer at hearings regarding contested claims is an agent of the employer. If the employer's representative violates any provision of this chapter, the employer is liable for any penalty assessed because of that violation.

[4.] *5.* An employer shall not make the compensation of any person representing him contingent in any manner upon the outcome of any contested claim.

[5. The commissioner]

6. The director of the department of administration shall collect in advance and deposit with the state treasurer for credit to the state general fund the following fees for licensure as an employer's [or an employee's] representative:

(a) Application and license $78

(b) Triennial renewal of each license 78

Sec. 23. Section 201 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 201. NRS 616.6283 is hereby amended to read as follows:

616.6283 1. The dependents of an injured employee who are entitled to receive compensation for a permanent total disability pursuant to NRS 616.580 or a death benefit pursuant to NRS 616.615 for an industrial injury or occupational disease which occurred before July 1, 1980, are entitled to receive compensation of not less than $600 each month, to be divided amongst them as provided in this chapter.

2. A self-insured employer *or an association of self-insured public or private employers* shall provide for the increase in monthly compensation required by subsection 1 for each person who would be entitled to receive the increase if the provisions of this section were applicable to the employer [.] *or association.*

3. A person who is entitled to receive an increase in his monthly compensation pursuant to subsection 1 is not required to accept that increase.

4. The administrator shall adopt regulations to carry out the provisions of this section.

Sec. 24. Section 206.5 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 206.5. NRS 616.690 is hereby amended to read as follows:

616.690 1. A [physician or chiropractor] *provider of health care* attending an injured employee shall not refer that employee to a health facility or service in which the [physician or chiropractor] *provider of health care, any person in a partnership with the provider of health care or any member of the immediate family of the provider of health care* has a financial interest, including an interest as a limited partner, unless [he first discloses that interest in writing to the injured employee and the insurer. Upon the request of an injured employee to whom such a disclosure is made, the physician or chiropractor shall provide the injured employee with a referral to a health facility or service in which the physician or chiropractor does not have a financial interest. The injured employee must not be penalized for refusing to use a health facility or service in which the physician or chiropractor has a financial interest, if the injured employee promptly notifies the insurer in writing of his objection to using the facility or service.] :

(a) The service required by the injured employee is not otherwise available within a 30-mile radius of the office of the provider of health care;

(b) The service is provided pursuant to a referral to a provider of health care who is participating in the health care plan of a health maintenance organization that has been issued a certificate of authority pursuant to chapter 695C of NRS and is authorized to provide health care services to an injured employee;

(c) The provider of health care is a member of a group practice and the referral is made to that group practice;

(d) The referral is made to a surgical center for ambulatory patients, as defined in NRS 449.019, that is licensed pursuant to chapter 449 of NRS; or

(e) The financial interest represents an investment in securities under the Securities Exchange Act of 1934 (15 U.S.C. §§ 78a et seq.) in a corporation that has shareholder equity of more than $100,000,000.

2. As used in this section [, "health] *:*

(a) "Group practice" means two or more providers of health care who have organized as a business entity in accordance with the laws of this state to provide health care services, if:

(1) Each member of the group practice provides substantially all of the health care services he routinely provides, including without limitation, medical care, consultations, diagnoses and treatment, through the joint use of shared offices, facilities, equipment and personnel;

(2) Substantially all of the health care services provided by the members of the group practice are provided through the group practice, the billings for those services are issued in the name of the group practice and the compensation received for those services is treated as being received by the group practice;

(3) No member of the group practice receives compensation based on the volume or value of the patients referred to the group practice by that member; and

(4) Substantially all of the health care services offered by the group practice are provided within the confines of a central building or group of buildings that are located on one parcel of land.

(b) "Health facility" means any facility in or through which services related to the care and observation of patients, the diagnosis of human diseases, the treatment and rehabilitation of patients or other related services are provided. The term includes any parent, affiliate, subsidiary or partner of such a facility and any other entity which has a primary purpose of providing a benefit to such a facility.

(c) "Member of the immediate family" means a grandparent, parent, stepparent, spouse, brother, sister, half brother, half sister, natural born child, adopted child, stepchild or grandchild.

(d) "Partnership" has the meaning ascribed to it in NRS 87.060. The term includes a partnership which is not related to the practice of a provider of health care.

Sec. 25. Section 282.6 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 282.6. Section 21.4 of this act is hereby amended to read as follows:

Sec. 21.4. 1. A vocational rehabilitation counselor shall develop a plan for a program of vocational rehabilitation for each injured employee who is eligible for vocational rehabilitation services pursuant to NRS 616.222. The counselor shall work with the insurer the injured employee to develop a program that is compatible with the injured employee's age, sex and physical condition.

2. If the counselor determined in the written assessment developed pursuant to section 21.3 of Senate Bill No. 316 of this session that the injured employee has existing marketable skills, the plan must consist of job placement assistance only. When practicable, the goal of job placement assistance must be to aid the employee in finding a position which pays a gross wage that is equal to or greater than 80 percent of the gross wage that he was earning at the time of his injury. An injured employee must not receive job placement assistance for more than 90 days after the date on which he was notified that he is eligible only for job placement assistance because:

(a) He was physically capable of returning to work; or

(b) It was determined that he had existing marketable skills.

3. If the counselor determined in the written assessment developed pursuant to section 21.3 of Senate Bill No. 316 of this session that the injured employee does not have existing marketable skills, the plan must consist of a program which trains or educates the injured employee and provides job placement assistance. Except as otherwise provided in section 21.45 of Senate Bill No. 316 of this session, such a program must not exceed:

(a) If the injured employee has incurred a permanent physical impairment of less than 6 percent, 6 months.

(b) If the injured employee has incurred a permanent physical impairment of 6 percent or more, but less than 11 percent, 9 months.

(c) If the injured employee has incurred a permanent physical impairment of 11 percent or more, 1 year.

The percentage of the injured employee's permanent physical impairment must be determined pursuant to NRS 616.605.

4. A plan for a program of vocational rehabilitation must comply with the requirements set forth in section 22 of Senate Bill No. 316 of this session.

5. A program of vocational rehabilitation must not commence before the treating physician or chiropractor, or an examining physician or chiropractor determines that the injured employee is capable of safely participating in the program.

6. If, based upon the opinion of a treating or an examining physician or chiropractor, the counselor determines that an injured

employee is not eligible for vocational rehabilitation services, the counselor shall provide a copy of the opinion to the injured employee, the injured employee's employer and the insurer.

7. A plan for a program of vocational rehabilitation must be signed by a certified vocational rehabilitation counselor.

8. The division shall adopt regulations to carry out the provisions of this section. The regulations must specify the contents of a plan for a program of vocational rehabilitation.

Sec. 26. Section 284.5 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 284.5. Section 4 of Assembly Bill No. 342 of this session is hereby amended to read as follows:

Sec. 4. NRS 616.400 is hereby amended to read as follows:

616.400 1. Except for a self-insured employer or an employer who is a member of an association of self-insured public or private employers, every employer within, and those electing to be governed by, the provisions of this chapter, shall, on or before the 25th day of the month immediately after the end of the assigned reporting period furnish the system with a true and accurate payroll for that period showing:

(a) The total amount paid to employees for services performed;

(b) The amount of tips reported to him by every employee pursuant to 26 U.S.C. § 6053(a), whose tips in cash totaled $20 or more; and

(c) A segregation of employment in accordance with the requirements of the system,

together with the premium due thereon.

2. In determining the total amount paid to employees by each employer for services performed during a calendar year, the maximum amount paid by each employer to any one employee during the calendar year shall be deemed to be [:

(a) For the period beginning October 1, 1992, and ending December 31, 1992, the first $27,000 paid to the employee during the calendar year of 1992.

(b) For the period beginning January 1, 1993, and ending December 31, 1993, the first $27,000 paid to the employee.

(c) For the period beginning January 1, 1994, and ending December 31, 1994, the first $30,000 paid to the employee.

(d) For the period beginning January 1, 1995, and ending December 31, 1995,] the first [$33,000] *$36,000* paid to the employee [.] *during the calendar year.*

3. Any employer by agreement in writing with the manager may arrange for the payment of premiums in advance for a period of more than 60 days.

4. Failure of any employer to comply with the provisions of this section and NRS 616.395 operates as a rejection of this chapter, effective at the expiration of the period covered by his estimate. The manager shall notify the administrator of each such rejection.

5. If an audit of the accounts or actual payroll of an employer shows that the actual premium earned exceeds the estimated premium paid in advance, the manager may require the payment of money sufficient to cover the deficit, together with such amount as in his judgment constitutes an adequate advance premium for the period covered by the estimate.

6. The manager shall notify any employer or his representative by first-class mail of any failure on his part to comply with the provisions of this section. The notice or its omission does not modify or waive the requirements or effective rejection of this chapter as otherwise provided in this chapter.

7. The system may impose a penalty not to exceed 4 percent of the premiums which are due or $15, whichever is greater, for the failure of an employer to submit the information and premium required in subsection 1 within the time allowed, unless the employer has applied for and been granted an extension of that time by the manager.

8. To the extent permitted by federal law, the system shall vigorously pursue the collection of premiums that are due under the provisions of this chapter even if an employer's debts have been discharged in a bankruptcy proceeding.

Sec. 27. Section 285 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 285. NRS 616.028, 616.1703, 616.1705, 616.1707, [616.2223,] 616.255, 616.256, 616.345, 616.537, 616.680, 617.180, 617.330, 617.350 and 617.360 are hereby repealed.

Sec. 28. Section 294 of Senate Bill No. 316 of this session is hereby amended to read as follows:

Sec. 294. 1. This section and sections 1, 2, 5, 6, 10 to 21, inclusive, 21.2 to 22.5, inclusive, 24, 52 to 84, inclusive, 86, 87, 88, 91, 92, 94, 95, 97, 98, 99, 100, 101, 102, 103, 103.5, 104, 105, 106, 107, 111, 112, 114, 115, 116, 118, [119.5,] 120, 121, 123, 124, 126, 130, 131, 132, 136, 138, 140, 141, 142, 144, 145, 146, 148, 150, 153, 155, 157, 159, 161, 164, 165, 166 to 169.5, inclusive, 172, 173, 175, 176, 179 to 182, inclusive, 184, 186 to 191.5, inclusive, 193 to 200.5, inclusive, 201.5, 202, 203, 204, 206, 207 to 213, inclusive, 216 to 224, inclusive, 227, 228, 229, 230, 232, 235, 236, 237, 239, 240, 242, 246.3, 249, 250, 251 to 260, inclusive, 261 to 282, inclusive, and 284.2 to 293, inclusive, of this act become effective upon passage and approval.

2. Sections 245 and 246 of this act become effective on July 1, 1993.

3. *Section 178 of this act becomes effective on October 1, 1993.*

4. Section 247 of this act becomes effective at 12:01 a.m. on July 1, 1993.

[4.] *5.* Sections 4.5, 21.1, 84.5, 116.5 and 282.6 of this act become effective on July 1, 1994.

[5.] *6.* Sections 3, 4, 7, 8, 9, 25 to 51, inclusive, 85, 89, 90, 93, 108, 110, 113, 117, 119, 122, 128, 129, 133, 134, 135, 137, 139, 143, 147, 149, 150.5, 151, 152, 154, 156, 158, 160, 162, 163, 170, 171, 177, 201, 205, 206.5, 214, 226, 231, 241, 243, 244, 246.5, 248, 250.5, 260.5, 282.5, 283 and 284 of this act become effective on July 1, 1995.

[6.] *7.* Section 282.55 of this act becomes effective on January 1, 1996.

[7.] *8.* Sections 98.5, 99.5, 100.5, 103.2, 104.5, 106.5, 164.5 and 165.5 of this act become effective on July 1, 1997.

Sec. 29. 1. This section and sections 2 to 11, inclusive, 13 to 26, inclusive, and 28 of this act become effective upon passage and approval.

2. Section 27 of this act becomes effective upon passage and approval and applies retroactively to June 18, 1993.

3. Section 12 of this act becomes effective on July 1, 1995.".

Amend the title of the bill to read as follows:

"An Act relating to industrial insurance; authorizing certain providers of health care to form an organization for managed care under a common agreement; requiring the evaluation and regulation of such agreements; authorizing public agencies and nonprofit medical facilities to enter into cooperative agreements concerning industrial insurance; making various changes to the provisions of Senate Bill No. 316 of this session; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes to provisions governing industrial insurance. (BDR 53-413)".

Assemblyman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 374.

Remarks by Assemblymen Giunchigliani and Price.

Assemblyman Giunchigliani requested that her remarks be entered in the Journal.

Mr. Speaker, if I may expand a little bit so that I can clarify this amendment for everyone. First of all, Assembly Bill No. 374 is the trailer legislation to Senate Bill No. 316 which related to the industrial insurance.

Assembly Bill No. 374 was originally the striker replacement bill. Sorry, to my colleague from Assembly District No. 17. The trailer bill adds certain provisions and makes only technical changes and corrections to the comprehensive measure of the reform. Basically what it did, the criteria that we put in the original bill to allow managed care organizations to form was not correct. So, we established a proper criteria for them to be able to do that.

The second area is that we established a criteria to define excessive losses for businesses. It clarified the party to a dispute. Not just the employee can file a notice of appeal. We required an application to reopen the claim which must be supported by medical evidence. That language had been accidentally dropped. We authorized that an insurer use an approved form for a claimant to request continued compensation to clarify

the entitlement of compensation for dependents of an employee. We removed a conflict in the bill relating to the placement of hearing officers and unclassified service. We authorized the public agencies and nonprofit medical facilities to do the correct cooperative agreement. We clarified the primary cause language of stress provisions to relate to the course of employment. We clarified that a written statement for vocational rehabilitation may be initiated as soon as the injured worker's condition is known. We corrected the reference to the parties that are provided a copy of the voc-rehab counselor's determination. We clarified that an insurer may, without limitation, extend an insurer's program for voc-rehab. We reduced the period of time pertaining to the criteria for wage reimbursement from one year to 90 days for the employer and six months for the employee. We corrected the sanctions for fraud violators to apply to any person, not just a claimant. We deleted an erroneous reference to certification under Chapter 695S of NRS for the managed care organization. We corrected the reference from evaluations to additional independent utilization review. They had used the wrong terminology. We clarified the procedure for final determination for disputes. We allowed an employer representative in hearings of contested cases to include a licensee. We added the word "substantially" to the new language to make it consistent with the other new language in that section. We resolved any other conflicts and effective dates.

I need to read something into the record for the Journal, if I may, Mr. Speaker.

> An issue has arisen concerning the involvement of Advanced Practitioners of Nursing within the framework of Senate Bill No. 316. Specifically, whether they are to be able to continue to file claims for compensation after treating patients and then to be compensated for those services. The legislative intent is certainly not to curtail those activities. We understand the importance of the medical services they provide and specifically intend that they be allowed to continue in this fashion. We realize that many of the injuries incurred by workers are minor, such as sprains, strains, minor burns and cuts and that these injuries are quite frequently attended to exclusively by the nurse practitioner. They document this treatment and file claims for reimbursement. We do not intend that any provision of Senate Bill No. 316 alter this practice and want this statement to stand as our legislative intent.

I hope that this now, finally brings to an end the SIIS package. There were two sections that we were not able to resolve that are simply technical where the dates are going at a wrong point but rather than drag out this session over that small issue, I have agreed to concur in this amendment. I would urge your consideration. Thank you, very much.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 157.

The following Senate amendment was read:

Amendment No. 1270.

Amend the bill as a whole by deleting sections 1 through 12 and adding new sections designated sections 1 through 34, following the enacting clause, to read as follows:

"Section 1. NRS 481.063 is hereby amended to read as follows:

481.063 1. The director may charge and collect reasonable fees for official publications of the department and from persons making use of files and records of the department or its various divisions for a private purpose. All money so collected must be deposited in the state treasury for credit to the motor vehicle fund.

2. The director shall not release, in any files and records made available for the solicitation of another person to purchase a product or service, the social security number of any person.

3. The director may deny any private use of the files and records if he reasonably believes that the information taken may be used for:

(a) An illegal purpose; or

(b) An unwarranted invasion of a particular person's privacy.

4. *Except as otherwise provided in section 14 of this act, the director shall not allow any person to make use of information retrieved from the data base created pursuant to section 11 of this act for a private purpose and shall not in any other way release any information retrieved from that data base.*

5. The director shall adopt such regulations as he deems necessary to carry out the purposes of this section.

Sec. 2. NRS 482.170 is hereby amended to read as follows:

482.170 Except as otherwise provided in NRS 481.063 [,] *and section 14 of this act,* all records of registration and licensing in the offices of the department are public records and open to inspection by the public during business hours.

Sec. 3. NRS 482.215 is hereby amended to read as follows:

482.215 1. All applications for registration, except applications for renewal of registration, must be made as provided in this section.

2. Applications for all registrations, except renewals of registration, must be made in person, if practicable, to any office or agent of the department.

3. Each application must be made upon the appropriate form furnished by the department and contain:

(a) The signature of the owner.

(b) His residential address.

(c) His declaration of the county where he intends the vehicle to be based, unless the vehicle is deemed to have no base. The department shall use this declaration to determine the county to which the privilege tax is to be paid.

(d) A brief description of the vehicle to be registered, including the name of the maker, the engine, identification or serial number, whether new or used, and the last license number, if known, and the state in which issued, and upon the registration of a new vehicle, the date of sale by the manufacturer or franchised and licensed dealer in this state for the make to be registered to the person first purchasing or operating the vehicle.

(e) Proof satisfactory to the department that the applicant has provided the security required by NRS 485.185 and his signed declaration that he will maintain the security during the period of registration.

(f) If the security is provided by a contract of insurance, evidence of that insurance provided by the insurer *in the form of:*

(1) A certificate of insurance on a form approved by the commissioner of insurance [,] *; or*

(2) A card issued pursuant to NRS 690B.023 which identifies the vehicle and indicates, at the time of application for registration, coverage which meets the requirements of NRS 485.185.

The department may file that evidence, return it to the applicant or otherwise dispose of it.

(g) If required, evidence of the applicant's compliance with controls over emission.

4. The application must contain such other information as is required by the department, and must be accompanied by proof of ownership satisfactory to the department.

5. For purposes of the proof, declaration and evidence required by paragraphs (e) and (f) of subsection 3:

(a) Vehicles which are subject to the fee for a license and the requirements of registration of the Interstate Highway User Fee Apportionment Act, and which are based in this state, may be declared as a fleet by the registered owner thereof, on his original application for or application for renewal of a proportional registration. The owner may file a single certificate of insurance covering that fleet.

(b) Other fleets composed of 10 or more vehicles based in this state or vehicles insured under a blanket policy which does not identify individual vehicles may each be declared annually as a fleet by the registered owner thereof for the purposes of an application for his original or any renewed registration. The owner may file a single certificate of insurance covering that fleet.

(c) A person who qualifies as a self-insurer pursuant to NRS 485.380 may file a copy of his certificate of self-insurance.

(d) A person who qualifies for an operator's policy of liability insurance pursuant to NRS 485.186 and 485.3091 may file evidence of that insurance.

6. At the time of applying for registration of a vehicle, an applicant may, if eligible, register to vote pursuant to NRS 293.524.

Sec. 4. NRS 482.398 is hereby amended to read as follows:

482.398 1. In a county whose population is 400,000 or more, a permit for the operation of a golf cart may be issued by the department if the golf cart is equipped as required by subsection 2 and proof of [financial responsibility] *security* as required for the registration of a motor vehicle is submitted when application for the permit is made.

2. The required equipment is:

(a) Headlamps;

(b) Tail lamps, reflectors, stop lamps and an emblem or placard for slow moving vehicles;

(c) Mirror; and

(d) Brakes.

Each of these items of equipment must meet the standards prescribed for motor vehicles generally.

3. A permit is not required for the operation of a golf cart during daylight, by a person holding a current driver's license, if the golf cart is:

(a) Equipped with an emblem or placard for slow moving vehicles; and

(b) Operated solely upon that portion of a highway designated by the appropriate city or county as a:

(1) Crossing for golf carts; or

(2) Route of access between a golf course and the residence or temporary abode of the owner or operator of the golf cart.

Sec. 5. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the department for the registration [,] *or the* transfer or reinstatement of *the* registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. For each stock passenger car and each reconstructed or specially constructed passenger car, regardless of weight or number of passenger capacity, a fee for registration of $33.

2. For every motorcycle, a fee for registration of $33 and an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the state highway fund for credit to the account for the program for the education of motorcycle riders.

3. For each transfer of registration a fee of $6 in addition to any other fees.

4. To reinstate the registration of a motor vehicle suspended pursuant to NRS 485.383 a fee of $100, which must be [accounted for] *deposited* in the account for verification of insurance which is hereby created in the state [general] *highway* fund and must be used [only for the purposes specified in NRS 485.383.] *to carry out the provisions of NRS 485.383 and sections 10 to 15, inclusive, of this act.*

5. For every travel trailer, a fee for registration of $27.

6. For every permit for the operation of a golf cart, an annual fee of $10.

Sec. 6. NRS 483.490 is hereby amended to read as follows:

483.490 1. [Unless otherwise provided by specific statute, the department may not suspend a license for a period of more than 1 year.

2.] After a driver's license has been suspended or revoked for an offense other than a second violation within 7 years of NRS 484.379 and half the period during which the driver is not eligible for a license has expired, the department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.

Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.

[3.] *2.* A driver who violates a condition of a restricted license issued under subsection [2] *1* or by another jurisdiction is guilty of a misdemeanor, and if his license was suspended or revoked for a violation of NRS 484.379, 484.3795, 484.384 or homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance, or the violation of a law of any other jurisdiction which prohibits the same conduct, he shall be punished in the manner provided by subsection 2 of NRS 483.560.

[4.] *3.* The periods of suspensions and revocations under this chapter and under NRS 484.384 must run consecutively, except as provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

[5.] *4.* Whenever the department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 7. NRS 483.916 is hereby amended to read as follows:

483.916 Notwithstanding any other provision of law to the contrary, the department shall furnish full information regarding the driving record of any person to:

1. The driver's license administrator of any other state or of any province or territory of Canada who requests that information;

2. Any employer or prospective employer of that person upon his request and payment of a fee established in regulations adopted by the department; or

3. Any insurer upon its request and payment of a fee established in regulations adopted by the department [.] *if the insurer has complied with the provisions of section 12 of this act.*

Sec. 8. NRS 484.792 is hereby amended to read as follows:

484.792 Whenever the driver of a vehicle is stopped by a peace officer for violating a provision of this chapter, except for violating a provision of NRS 484.395 to 484.443, inclusive, the officer shall demand proof of the security required by NRS 485.185, and issue a citation as provided in NRS 484.799 if the officer has probable cause to believe that the [owner] *driver* of the vehicle is in violation of NRS 485.187. If the driver of the vehicle is not the owner, [the citation may] *a citation must also* be issued to the owner , [instead of the driver,] and in such a case the driver:

1. Is authorized to sign the citation on behalf of the owner; and

2. Shall notify the owner of the citation within 3 days after it is issued.

The agency which employs the peace officer shall immediately forward a copy of the citation to the registered owner of the vehicle, by certified mail, at his address as it appears on the certificate of registration.

Sec. 9. Chapter 485 of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 15, inclusive, of this act.

Sec. 10. *As used in NRS 485.383 and sections 10 to 15, inclusive, of this act, unless the context otherwise requires, "designated agent" means the department or, if applicable, the nongovernmental agency whom the department contracts with to develop and maintain a data base for verifying that the owners of motor vehicles maintain the proof of financial responsibility required by NRS 485.185.*

Sec. 11. *1. The department of motor vehicles and public safety shall create a system for verifying that the owners of motor vehicles maintain the proof of financial responsibility required by NRS 485.185.*

2. If the director determines that it is necessary to contract with a nongovernmental agent to develop and maintain the data base of the records

submitted by insurers pursuant to section 12 of this act and the names submitted by the division pursuant to section 13 of this act, the director shall take such actions as are necessary to do so.

Sec. 12. *1. On or before the seventh calendar day of each month, each insurer that has executed a contract of insurance for a motor vehicle liability policy which may be used as proof of financial responsibility to meet the requirements of NRS 485.185 shall provide the department or its designated agent with a record of each such policy in effect or terminated in the previous month on the date the record is provided. The record must include:*

(a) The name and number of each insured named in the policy of insurance;

(b) The make, year and vehicle identification number of each motor vehicle included in the policy of insurance; and

(c) The number, effective date and expiration date of the policy of insurance.

2. The record provided pursuant to subsection 1 must be submitted in a form approved by the department and may include, without limitation, magnetic tape or any other electronic medium deemed acceptable by the department.

Sec. 13. *1. On or before the seventh calendar day of each month, the division shall provide to the designated agent, if applicable, the name of each person:*

(a) To whom it has issued a certificate of self-insurance and the name of each person whose certificate it has canceled.

(b) Who has filed a bond with the division as provided in NRS 485.3094 and the name of each person who has canceled such a bond.

(c) Who has obtained a certificate of deposit of money or securities as provided in NRS 485.3095.

2. The division shall provide any other information necessary for the designated agent to develop and maintain the data base created pursuant to section 11 of this act.

Sec. 14. *1. Except as otherwise provided in subsections 2 and 3, information which is maintained in the data base created pursuant to section 11 of this act is confidential.*

2. The department or its designated agent may only disclose information which is maintained in the data base, upon request, to a state or local governmental agency for the purpose of enforcing NRS 485.185, including investigating or litigating a violation or alleged violation.

3. The department may only disclose information retrieved from the data base to:

(a) A person who requests information regarding his own status;

(b) The parent or legal guardian of the person about whom the information is requested if the person is an unemancipated minor or legally incapacitated;

(c) A person who has a power of attorney from the person about whom the information is requested;

(d) A person who submits a notarized release from the person about whom the information is requested which is dated no more than 90 days before the date of the request; or

(e) A person who has suffered a loss or injury in an accident involving a motor vehicle who requests information for use in the accident report.

4. A person who knowingly violates the provisions of this section shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 15. *An insurer, its agents, the department and its employees who act pursuant to NRS 485.383 and sections 10 to 15, inclusive, of this act in good faith and without gross negligence are immune from civil liability for those acts.*

Sec. 16. NRS 485.105 is hereby amended to read as follows:

485.105 "Proof of financial responsibility" means proof of ability to respond *for the future* in damages for liability, on account of accidents occurring subsequent to the effective date of that proof, arising out of the ownership, maintenance or use of a motor vehicle, in the [amount of $15,000 because of bodily injury to or death of one person in any one accident, and, subject to the limit for one person, in the amount of $30,000 because of bodily injury to or death of two or more persons in any one accident, and in the amount of $10,000 because of injury to or destruction of property of others in any one accident.] *amounts specified in NRS 485.185.*

Sec. 17. NRS 485.185 is hereby amended to read as follows:

485.185 [1.] Every registered owner of a motor vehicle registered in this state and every owner of a motor vehicle which is not registered in this state as required, shall continuously provide, while the motor vehicle is present or registered in this state, by a contract of insurance for a motor vehicle liability policy or by qualifying as a self-insurer in compliance with this chapter, security [in the amounts set forth in NRS 485.105 as proof of financial responsibility] *:*

1. In the amount of $15,000 for bodily injury to or death of one person, in any one accident;

2. Subject to the limit for one person, in the amount of $30,000 for bodily injury to or death of two or more persons in any one accident; and

3. In the amount of $10,000 for injury to or destruction of property of others in any one accident,

for payment of tort liabilities arising from maintenance or use of the motor vehicle.

[2. Whenever an application for a driver's license or for registration of a vehicle is made by a person required to maintain proof of financial responsibility by the state of his prior residency, he must file proof with the division of his financial responsibility before he may be issued a license or registration, and maintain it for the period which that state requires. If he does not so maintain it, his license and registration must be suspended.]

Sec. 18. NRS 485.187 is hereby amended to read as follows:

485.187 1. Except as otherwise provided in subsection [5,] *6,* the owner of a motor vehicle shall not:

(a) Operate the motor vehicle, if it is registered or required to be registered in this state, without having security for payment of liabilities arising from maintenance or use of the vehicle as required by NRS 485.185.

(b) Operate or knowingly permit the operation of the motor vehicle without having evidence of current insurance of the operator or the vehicle in the vehicle.

(c) Fail or refuse to surrender, upon demand, to a peace officer or to an authorized representative of the department proof of security.

(d) Knowingly permit the operation of the motor vehicle in violation of subsection 3 of NRS 485.186.

2. *A person shall not operate the motor vehicle of another unless:*

(a) He first ensures that the required evidence of current proof of financial responsibility is present in the motor vehicle; or

(b) He has his own proof of financial responsibility which covers him as the operator of the motor vehicle.

3. Except as otherwise provided in subsection [3,] *4,* any person who violates subsection 1 *or 2* shall be [fined] *punished by a fine of* not less than [$300] *$600* nor more than $1,000 [.

3.] *for each violation. The fine must be reduced to $100 for the first violation if the required proof of financial responsibility is obtained not later than 30 days after the fine is imposed.*

4. A person may not be fined for a violation of paragraph (a), (b) or (c) of subsection 1 *or for a violation of subsection 2* if he presents evidence to the court that the [security] *proof of financial responsibility* required by NRS 485.185 was in effect at the time demand was made for it.

[4.] *5.* Failure to deposit security if so required by the provisions of NRS 485.190 is prima facie evidence of violation of the provisions of this section.

[5.] *6.* The provisions of paragraphs (b) and (c) of subsection 1 do not apply if the motor vehicle in question displays a valid permit issued by the department pursuant to NRS 482.3212, 482.396, 482.423 or 482.424 authorizing the movement or operation of that vehicle within the state for a limited time.

Sec. 19. NRS 485.190 is hereby amended to read as follows:

485.190 1. If 20 days after the receipt of a report of an accident involving a motor vehicle within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of [$350,] *$750,* the division does not have on file evidence satisfactory to it that the person who would otherwise be required to file security under subsection 2 of this section has been released from liability, has been finally adjudicated not to be liable or has executed an acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the division shall upon request set the matter for a hearing as provided in NRS 485.191.

2. The division shall, at any time after a determination adverse to an operator or owner pursuant to NRS 485.191, suspend the license of each operator and all registrations of each owner of a motor vehicle involved in such an accident, and, if the operator is a nonresident, the privilege of operating a motor vehicle within this state, and, if the owner is a nonresident, the privilege of the use within this state of any motor vehicle owned by him, unless the operator or owner, or both, deposit security in the sum so determined by the division. Notice of such a suspension must be sent by the division to the operator and owner not less than 10 days before the effective date of the suspension and must state the amount required as security. Where erroneous information is given *to* the division with respect to the matters set forth in paragraph (a), (b) or (c) of subsection 1 of NRS 485.200, the division shall take appropriate action as provided in this section after it receives correct information with respect to those matters.

Sec. 20. NRS 485.307 is hereby amended to read as follows:

485.307 1. [Except as otherwise required in NRS 485.185, proof] *Proof* of financial responsibility when required under this chapter may be given by filing:

(a) A certificate of insurance as provided in NRS 485.308 or 485.309;

(b) A bond as provided in NRS 485.3094;

(c) A certificate of deposit of money or securities as provided in NRS 485.3095; or

(d) A certificate of self-insurance, as provided in NRS 485.380, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he will pay the same judgments and in the same amounts that an insurer would have been obligated to pay under an owner's policy of liability insurance if it had issued such a policy to the self-insurer.

2. If the department suspends a license or registration pursuant to NRS 485.010 to 485.3099, inclusive, and proof of financial responsibility is a condition of reinstatement, no motor vehicle may be or continue to be registered in the name of the person whose license or registration was suspended unless proof of financial responsibility is furnished by that person.

3. Whenever the department restores a license, permit or privilege of driving a vehicle in this state which has been revoked, no motor vehicle may be or continue to be registered in the name of the person whose license, permit or privilege was revoked unless proof of financial responsibility is furnished by that person.

Sec. 21. NRS 485.308 is hereby amended to read as follows:

485.308 *1.* Proof of financial responsibility may be furnished by filing with the division the written certificate of any insurance carrier authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. The certificate must specify its effective date and:

[1.] *(a)* If the policy is an owner's policy of liability insurance, designate by appropriate reference all motor vehicles covered by it; or

[2.] *(b)* If the policy is an operator's policy of liability insurance, designate the person covered.

2. An insurance carrier that certifies the existence of a motor vehicle liability policy pursuant to subsection 1, must notify the division at least 10 days before the cancellation or termination of the insurance policy.

Sec. 22. NRS 485.326 is hereby amended to read as follows:

485.326 1. The department shall suspend the:

(a) License of any person convicted of violating *the provisions of subsection 1 of* NRS 485.187; and

(b) Registration of the vehicle for which the person failed to provide [proof of financial responsibility.] *evidence of security.*

2. Any license or registration suspended pursuant to subsection 1 must remain suspended until the person shows proof of financial responsibility as set forth in NRS 485.307. The person shall maintain proof of financial responsibility for 3 years after the reinstatement of his license and registration in accordance with the provisions of this chapter, and if he fails to do so, the division shall suspend any license or registration previously suspended pursuant to subsection 1.

Sec. 23. NRS 485.380 is hereby amended to read as follows:

485.380 1. Any person in whose name more than 10 motor vehicles are registered in the State of Nevada may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the division as provided in subsection 2 . [of this section.]

2. The division may, upon the application of such a person, issue a certificate of self-insurance when it is satisfied that he possesses and will continue to possess the ability to pay judgments obtained against him.

3. The certificate of self-insurance must include:

(a) The name and address of the self-insurer;

(b) The expiration date of the self-insurance; and

(c) The statements:

(1) "Self-insured"; and

(2) "This certificate of self-insurance or a photocopy thereof must be carried in the motor vehicle which is self-insured for production on demand."

4. Upon not less than 5 days' notice and a hearing pursuant to the notice, the division may, upon reasonable grounds, cancel a certificate of self-insurance. Failure to pay any judgment within 30 days after it becomes final constitutes a reasonable ground for the cancellation of a certificate of self-insurance.

Sec. 24. NRS 485.383 is hereby amended to read as follows:

485.383 1. The department [shall annually verify the liability insurance of:

(a) All registered owners concerning whom the department has been notified pursuant to NRS 690B.023 that a contract of insurance as security was previously terminated; and

(b) A sample of not more than 5 percent of all registered owners in this state, except registered owners of motorcycles and motor homes, on which

the security is a contract of insurance.] *or its designated agent shall, at least monthly, compare the current registrations of motor vehicles to the information in the data base created pursuant to section 11 of this act to verify that all owners of registered motor vehicles have maintained the proof of financial responsibility required by NRS 485.185.*

2. The department shall mail a form for verification to each [such] registered owner [.] *that it determines has not maintained proof of financial responsibility required by NRS 485.185.* The owner shall complete the form with all the information which is requested by the department, including whether he carries an owner's or operator's policy of liability insurance, and return the completed form within [15] *10* days after the date on which the form was mailed by the department.

3. When the department receives a completed form for verification it shall [mail the form to the named insurer.

4. Upon receipt of a form for verification of insurance from the department, the insurer shall] verify the information on the form . [and return it to the department only if the insurer did not have a contract of insurance as indicated on the form by the registered owner.

5.] *4.* The department shall suspend the registration of the vehicle and require the return to the department of the license plates of any vehicle for which a form for verification is:

(a) Not returned to the department by the registered owner within [15] *10* days;

(b) Returned by the [insurer with a denial of coverage;] *registered owner and the department is not able to verify the information on the form;* or

(c) Returned by the *registered* owner with an admission of no coverage or without indicating an insurer or the number of a policy.

[6.] *5.* If an owner who did not return a completed form for verification within the specified period:

(a) Proves to the satisfaction of the department that there was a justifiable cause for his failure to do so;

(b) Submits a completed form regarding his insurance on the date stated in the form mailed by the department pursuant to subsection 2; and

(c) Presents evidence of current insurance,

the department shall rescind its suspension of the registration [and mail the completed form to the named insurer. Upon receipt of the form from the department, the insurer shall verify the information on the form and return it to the department only if the insurer did not have a contract of insurance on the date stated in the form for verification. If the form is returned by the insurer with a denial of such coverage, the department shall suspend the registration and require the return of the license plates.

7. If a form for verification is returned by the insurer with a denial of coverage or returned by the owner with an admission of no coverage, the department shall rescind its suspension of the registration of the vehicle if the owner proves to the satisfaction of the department that there was a justifiable cause for his failure to maintain liability insurance. The depart-

ment shall not require him to file proof of financial responsibility or pay the fee required by NRS 482.480 as a prerequisite to reinstating his registration and reissuing his license plates.

8.] *if it is able to verify the information on the form.*

6. Except as otherwise provided in [subsections 7 and 12,] *subsection 7,* the department shall reinstate the registration of a vehicle and reissue the license plates only upon filing by the registered owner of proof of financial responsibility for a period of 3 years.

[9. A denial of coverage, signed by an officer or agent of an insurer, is prima facie evidence of a false certification.

10. If the department believes a person has violated the provisions of NRS 485.185, it shall notify the district attorney of the county in which the person resides.

11. An insurer, its agents, the department and its employees who act pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

12.] *7.* If a registered owner proves to the satisfaction of the department that his vehicle was not used in this state for a 30-day period, including the date [about which the department was inquiring,] *on which the information provided pursuant to sections 12 and 13 of this act indicated that there was no proof of financial responsibility for the vehicle,* the department shall not require him to file proof of financial responsibility as a prerequisite to reinstating his registration and reissuing his license plates.

Sec. 25. NRS 41.031 is hereby amended to read as follows:

41.031 1. The State of Nevada hereby waives its immunity from liability and action and hereby consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations, except as otherwise provided in NRS 41.032 to 41.038, inclusive, *section 15 of this act* and subsection 3 of this section, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive, or the limitations of NRS 41.010. The State of Nevada further waives the immunity from liability and action of all political subdivisions of the state, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, and subsection 3 of this section, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive.

2. An action may be brought under this section, in a court of competent jurisdiction of this state, against the State of Nevada, any agency of the state, or any political subdivision of the state. In an action against the state or any agency of the state, the State of Nevada must be named as defendant, and the summons and a copy of the complaint must be served upon the secretary of state. The secretary of state shall deliver a copy of the complaint to the risk management division of the department of administration.

3. The State of Nevada does not waive its immunity from suit conferred by Amendment XI of the Constitution of the United States.

Sec. 26. NRS 690B.023 is hereby amended to read as follows:

690B.023 1. Except as otherwise provided in subsection 2, if security for the operation of a motor vehicle is provided by a contract of insurance, the insurer shall:

(a) Provide evidence of insurance to the insured on a form approved by the commissioner. The evidence of insurance must [show:] *include:*

(1) The name and address of the policyholder;

(2) The *name and address of the insurer;*

(3) The year, make and complete identification number of the insured vehicle or vehicles;

[(3)] *(4)* The term of the insurance [; and

(4) That] *, including the day, month and year on which the policy:*

(I) Becomes effective; and

(II) Expires;

(5) The number of the policy;

(6) A statement that the coverage meets the requirements set forth in NRS 485.185 [.

(b) Notify] *; and*

(7) The statement "This card must be carried in the insured motor vehicle for production upon demand." The statement must be prominently displayed.

(b) Except as otherwise provided in subsection 2, notify the registration division of the department of motor vehicles and public safety upon termination of the contract. This notice must be mailed to the department within 14 days after the termination becomes final.

(c) Provide new evidence of insurance if:

(1) The information regarding the insured vehicle or vehicles required pursuant to subparagraph (3) of paragraph (a) no longer is accurate;

(2) An additional motor vehicle is added to the policy;

(3) A new number is assigned to the policy; or

(4) The insured notifies the insurer that the original evidence of insurance has been lost.

2. Paragraph (b) of subsection 1 does not apply to any contract of insurance on a:

(a) Motorcycle;

(b) Motor home;

(c) Mini motor home; or

(d) Chassis-mount camper.

Sec. 27. NRS 690B.023 is hereby amended to read as follows:

690B.023 [1. Except as otherwise provided in subsection 2, if] *If* security for the operation of a motor vehicle is provided by a contract of insurance, the insurer shall:

[(a)] *1.* Provide evidence of insurance to the insured on a form approved by the commissioner. The evidence of insurance must include:

[(1)] *(a)* The name and address of the policyholder;

[(2)] *(b)* The name and address of the insurer;

[(3)] *(c)* The year, make and complete identification number of the insured vehicle or vehicles;

[(4)] *(d)* The term of the insurance, including the day, month and year on which the policy:

[(I)] *(1)* Becomes effective; and

[(II)] *(2)* Expires;

[(5)] *(e)* The number of the policy;

[(6)] *(f)* A statement that the coverage meets the requirements set forth in NRS 485.185; and

[(7)] *(g)* The statement "This card must be carried in the insured motor vehicle for production upon demand." The statement must be prominently displayed.

[(b) Except as otherwise provided in subsection 2, notify the registration division of the department of motor vehicles and public safety upon termination of the contract. This notice must be mailed to the department within 14 days after the termination becomes final.

(c)] *2.* Provide new evidence of insurance if:

[(1)] *(a)* The information regarding the insured vehicle or vehicles required pursuant to [subparagraph (3) of paragraph (a)] *paragraph (c) of subsection 1* no longer is accurate;

[(2)] *(b)* An additional motor vehicle is added to the policy;

[(3)] *(c)* A new number is assigned to the policy; or

[(4)] *(d)* The insured notifies the insurer that the original evidence of insurance has been lost.

[2. Paragraph (b) of subsection 1 does not apply to any contract of insurance on a:

(a) Motorcycle;

(b) Motor home;

(c) Mini motor home; or

(d) Chassis-mount camper.]

Sec. 28. Section 2 of Senate Bill No. 227 of this session is hereby amended to read as follows:

Sec. 2. NRS 41.031 is hereby amended to read as follows:

41.031 1. The State of Nevada hereby waives its immunity from liability and action and hereby consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations, except as otherwise provided in NRS 41.032 to 41.038, inclusive, section 15 of [this act] *Assembly Bill No. 157 of this session* and subsection [3] *4* of this section, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive, or the limitations of NRS 41.010. The State of Nevada further waives the immunity from liability and action of all political subdivisions of the state, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, and subsection [3] *4* of this section, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive.

2. An action may be brought under this section [, in a court of competent jurisdiction of this state,] against the State of Nevada [, any agency of the state,] or any political subdivision of the state. *In any*

action against the State of Nevada, the action must be brought in the name of the State of Nevada on relation of the particular department, commission, board or other agency of the state whose actions are the basis for the suit. An action against the State of Nevada must be filed in the county where the cause or some part thereof arose or in Carson City. In an action against the [state or any agency of the state, the] State of Nevada , [must be named as defendant, and] the summons and a copy of the complaint must be served upon the secretary of state [. The] *and the person serving in the office of administrative head of the named agency.*

3. Upon receipt of such a complaint, the secretary of state shall deliver a copy of the complaint to the risk management division of the department of administration.

[3.] *4.* The State of Nevada does not waive its immunity from suit conferred by Amendment XI of the Constitution of the United States.

Sec. 29. Section 6 of Assembly Bill No. 115 of this session is hereby amended to read as follows:

Sec. 6. NRS 41.031 is hereby amended to read as follows:

41.031 1. The State of Nevada hereby waives its immunity from liability and action and hereby consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations, except as otherwise provided in NRS 41.032 to 41.038, inclusive, section 15 of Assembly Bill No. 157 of this session ,[and] subsection 4 of this section [,] *and any statute which expressly provides for governmental immunity,* if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive, or the limitations of NRS 41.010. The State of Nevada further waives the immunity from liability and action of all political subdivisions of the state, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, [and] subsection 4 of this section [,] *and any statute which expressly provides for governmental immunity,* if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive.

2. An action may be brought under this section against the State of Nevada or any political subdivision of the state. In any action against the State of Nevada, the action must be brought in the name of the State of Nevada on relation of the particular department, commission, board or other agency of the state whose actions are the basis for the suit. An action against the State of Nevada must be filed in the county where the cause or some part thereof arose or in Carson City. In an action against the State of Nevada, the summons and a copy of the complaint must be served upon the secretary of state and the person serving in the office of administrative head of the named agency.

3. Upon receipt of such a complaint, the secretary of state shall deliver a copy of the complaint to the risk management division of the department of administration.

4. The State of Nevada does not waive its immunity from suit conferred by Amendment XI of the Constitution of the United States.

Sec. 30. Section 3 of Assembly Bill No. 156 of this session is hereby amended to read as follows:

Sec. 3. NRS 485.187 is hereby amended to read as follows:

485.187 1. Except as otherwise provided in subsection 6, the owner of a motor vehicle shall not:

(a) Operate the motor vehicle, if it is registered or required to be registered in this state, without having security for payment of liabilities arising from maintenance or use of the vehicle as required by NRS 485.185.

(b) Operate or knowingly permit the operation of the motor vehicle without having evidence of current insurance of the operator or the vehicle in the vehicle.

(c) Fail or refuse to surrender, upon demand, to a peace officer or to an authorized representative of the department proof of security.

(d) Knowingly permit the operation of the motor vehicle in violation of subsection 3 of NRS 485.186.

2. A person shall not operate the motor vehicle of another unless:

(a) He first ensures that the required evidence of current proof of financial responsibility is present in the motor vehicle; or

(b) He has his own proof of financial responsibility which covers him as the operator of the motor vehicle.

3. Except as otherwise provided in subsection 4, any person who violates subsection 1 or 2 shall be punished by a fine of not less than $600 nor more than $1,000 for each violation. The fine must be reduced to $100 for the first violation if the required proof of financial responsibility is obtained not later than 30 days after the fine is imposed.

4. A person may not be fined for a violation of paragraph (a), (b) or (c) of subsection 1 or for a violation of subsection 2 if he presents evidence to the court that the proof of financial responsibility required by NRS 485.185 was in effect at the time demand was made for it.

5. Failure to deposit security if so required by the provisions of NRS 485.190 is prima facie evidence of violation of the provisions of this section.

6. The provisions of paragraphs (b) and (c) of subsection 1 do not apply if the motor vehicle in question displays a valid permit issued by the department pursuant to NRS 482.3212, 482.396, 482.423 or 482.424 *or section 1 of this act* authorizing the movement or operation of that vehicle within the state for a limited time.

Sec. 31. Section 1 of Senate Bill No. 193 of this session is hereby amended to read as follows:

Section 1. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. For each stock passenger car and each reconstructed or specially constructed passenger car, regardless of weight or number of passenger capacity, a fee for registration of $33.

2. For every motorcycle, a fee for registration of $33 and an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the state highway fund for credit to the account for the program for the education of motorcycle riders.

3. For each transfer of registration a fee of $6 in addition to any other fees.

4. [To] *Except as otherwise provided in NRS 485.383, to* reinstate the registration of a motor vehicle suspended pursuant to [NRS 485.383] *that section,* a fee of $100, which must be deposited in the account for verification of insurance which is hereby created in the state highway fund and must be used to carry out the provisions of NRS 485.383 and sections 10 to 15, inclusive, of [this act.] *Assembly Bill No. 157 of this session.*

5. For every travel trailer, a fee for registration of $27.

6. For every permit for the operation of a golf cart, an annual fee of $10.

Sec. 32. Section 1 of Assembly Bill No. 648 of this session is hereby amended to read as follows:

Section 1. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. For each stock passenger car and each reconstructed or specially constructed passenger car, regardless of weight or number of passenger capacity, a fee for registration of $33.

2. For every motorcycle, a fee for registration of $33 and *for each motorcycle other than a trimobile,* an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the state highway fund for credit to the account for the program for the education of motorcycle riders.

3. For each transfer of registration a fee of $6 in addition to any other fees.

4. Except as otherwise provided in NRS 485.383, to reinstate the registration of a motor vehicle suspended pursuant to that section, a fee of $100, which must be deposited in the account for verification of insurance which is hereby created in the state highway fund and must be used to carry out the provisions of NRS 485.383 and sections 10 to 15, inclusive, of Assembly Bill No. 157 of this session.

5. For every travel trailer, a fee for registration of $27.

6. For every permit for the operation of a golf cart, an annual fee of $10.

Sec. 33. Notwithstanding the provisions of this act, each insurer must comply with the provisions of section 12 of this act on or before July 1, 1994.

Sec. 34. 1. This section and sections 1, 2, 5, 8 to 11, inclusive, 14, 15, 18, 25 and 28 to 33, inclusive, of this act become effective upon passage and approval.

2. Sections 3, 4, 6, 16, 17, 19 to 23, inclusive, and 26 of this act become effective on October 1, 1993.

3. Sections 7, 12, 13, 24 and 27 of this act become effective on July 1, 1994.".

Amend the title of the bill, third line, after "circumstances;" by inserting: "establishing a system for verifying that owners of motor vehicles maintain proof of financial responsibility;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to driver's licenses and registration and insurance for motor vehicles. (BDR 43-670)".

Assemblyman Spitler moved that the Assembly concur in the Senate amendment to Assembly Bill No. 157.

Remarks by Assemblyman Spitler.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 741.

The following Senate amendment was read:

Amendment No. 1280.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An educational foundation:

(a) Shall comply with the provisions of chapter 241 of NRS;

(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010; and

(c) Is exempt from the tax on transfers of real property pursuant to subsection 14 of NRS 375.090.

2. An educational foundation is not required to disclose the names of the contributors to the foundation or the amount of their contributions. The educational foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.

3. As used in this section, "educational foundation" means a nonprofit corporation, association or institution or a charitable organization that is:

(a) Organized and operated exclusively for the purpose of supporting one or more kindergartens, elementary schools, junior high or middle schools or high schools, or any combination thereof;

(b) Formed pursuant to the laws of this state; and

(c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 2. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a pupil who is suspended or expelled from:

(a) Any public school in this state pursuant to NRS 392.466; or

(b) Any school outside of this state for the commission of any act which, if committed within this state, would be a ground for suspension or expulsion from public school pursuant to NRS 392.466,

is ineligible to attend any public school in this state during the period of that suspension or expulsion.

2. A school district may allow a pupil who is ineligible to attend a public school pursuant to this section to enroll in:

(a) An alternative program for the education of pupils at risk of dropping out of high school; or

(b) Any program of instruction offered pursuant to the provisions of NRS 388.550.

A school district may conduct an investigation of the background of any such pupil to determine if the educational needs of the pupil may be satisfied without undue disruption to the program. If an investigation is conducted, the board of trustees of the school district shall, based on the results of the investigation, determine if the pupil will be allowed to enroll in such a program.".

Amend the bill as a whole by renumbering sections 2 through 4 as sections 3 through 5.

Amend sec. 2, page 1, line 24, by deleting "*1*" and inserting "*2*".

Amend sec. 3, page 2, line 44, by deleting "*1*" and inserting "*2*".

Amend the bill as a whole by adding new sections designated sections 6 through 8, following sec. 4, to read as follows:

"Sec. 6. NRS 239.010 is hereby amended to read as follows:

239.010 *1.* All public books and public records of [state, county, city, district, governmental subdivision and quasi-municipal corporation officers and offices of this state (and all departments thereof),] *a public agency or an educational foundation,* the contents of which are not otherwise declared by law to be confidential, must be open at all times during office hours to inspection by any person, and [the books and records] may be fully copied or an abstract or memorandum prepared [therefrom, and any] *from those public books and public records. Any such* copies, abstracts or memoranda [taken therefrom] may be utilized to supply the general public with copies, abstracts or memoranda of the records or in any other way in which the [books and records] *copies, abstracts or memoranda* may be used to the advantage of the [owner thereof] *public agency or educational foundation* or of the general public.

2. As used in this section:

(a) "Educational foundation" has the meaning ascribed to it in subsection 3 of section 1 of this act.

(b) "Public agency" means any officer of the state or a county, city, district, governmental subdivision or quasi-municipal corporation and any office of this state.

Sec. 7. NRS 241.015 is hereby amended to read as follows:

241.015 As used in this chapter:

1. "Meeting" means the gathering of members of a public body at which a quorum is present to deliberate toward a decision or to make a decision on any matter over which the public body has supervision, control, jurisdiction or advisory power.

2. Except as otherwise provided in this subsection, "public body" means any administrative, advisory, executive or legislative body of the state or a local government which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including but not limited to any board, commission, committee, subcommittee or other subsidiary thereof [.] *and includes an educational foundation as defined in subsection 3 of section 1 of this act.* "Public body" does not include the legislature of the State of Nevada.

3. "Quorum" means a simple majority of the constituent membership of a public body or another proportion established by law.

Sec. 8. NRS 375.090 is hereby amended to read as follows:

375.090 The tax imposed by NRS 375.020 and 375.025 does not apply to:

1. Any transaction wherein an interest in real property is encumbered for the purposes of securing a debt.

2. A transfer of title to or from the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

3. A transfer of title recognizing the true status of ownership of the real property.

4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.

5. A transfer of title to community property without consideration when held in the name of one spouse to both spouses as joint tenants or tenants in common, or as community property.

6. A transfer of title between spouses, including gifts.

7. A transfer of title between spouses to effect a property settlement agreement or between former spouses in compliance with a decree of divorce.

8. A transfer of title to or from a trust, if the transfer is made without consideration.

9. Transfers, assignments or conveyances of unpatented mines or mining claims.

10. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.

11. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of consanguinity.

12. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Bankruptcy Act, as amended, Title 11 of U.S.C.;

(b) Approved in an equity receivership proceeding involving a railroad as defined in the Bankruptcy Act;

(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act; or

(d) Whereby a mere change in identity, form or place of organization is effected, such as a transfer between a corporation and its parent corporation, a subsidiary or an affiliated corporation,

if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.

13. The making or delivery of conveyances of real property to make effective any order of the Securities and Exchange Commission if:

(a) The order of the Securities and Exchange Commission in obedience to which the transfer or conveyance is made recites that the transfer or conveyance is necessary or appropriate to effectuate the provisions of section 11 of the Public Utility Holding Company Act of 1935, 15 U.S.C. § 79k;

(b) The order specifies and itemizes the property which is ordered to be transferred or conveyed; and

(c) The transfer or conveyance is made in obedience to the order.

14. A transfer to or from an educational foundation. As used in this subsection, "educational foundation" has the meaning ascribed to it in subsection 3 of section 1 of this act.".

Amend the bill as a whole by renumbering sec. 5 as sec. 9.

Amend sec. 5, page 3, line 28, by deleting "*1*" and inserting "2".

Amend the bill as a whole by adding new sections designated sections 10 and 11, following sec. 5, to read as follows:

"Sec. 10. 1. The legislature hereby urges each school district in this state, on or before July 1, 1995, to:

(a) Develop alternative programs of education for pupils who have been suspended or expelled pursuant to NRS 392.466 or who are otherwise dangerous to other pupils; or

(b) Enter into an agreement with another school district to provide alternative programs of education to pupils who have been suspended or expelled.

2. If alternative programs of education are developed by a school district, the district shall submit to the next following session of the legislature a report containing an evaluation of the programs, including any recommended legislation relating thereto.

Sec. 11. Section 6 of this act becomes effective at 12:01 a.m. on October 1, 1993.".

Amend the title of the bill to read as follows:

"An Act relating to education; making various changes relating to educational foundations; exempting an educational foundation from the tax on transfers of real property; making various changes relating to certain pupils

who are ineligible to attend public school; urging school districts to develop certain alternative programs of education; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes concerning educational foundations and attendance at public school of certain suspended or expelled pupils. (BDR 34-2023)".

Assemblyman Wendell Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 741.

Remarks by Assemblyman Wendell Williams.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 747.

The following Senate amendment was read:

Amendment No. 1284.

Amend section 1, page 1, line 7, by deleting "[130] *170*" and inserting "170".

Amend section 1, page 1, line 8, by deleting "[100] *130*" and inserting "130".

Amend section 1, page 1, line 14, by deleting "[130] *170*" and inserting "170".

Amend section 1, page 1, line 15, by deleting "[100] *130*" and inserting "130".

Amend section 1, page 1, line 18, by deleting "65" and inserting "85".

Amend section 1, page 1, line 20, by deleting "50" and inserting "65".

Amend sec. 11, page 7, line 3, by deleting "12:01" and inserting "12:02".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 747.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 624.

The following Senate amendment was read:

Amendment No. 1266.

Amend the bill as a whole by deleting sec. 5 and renumbering sec. 6 as sec. 5.

Amend the title of the bill, third and fourth lines, by deleting: "increasing under certain circumstances the fee for filing an application for an extension of time within which to file proof;".

Assemblyman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 624.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 687.

The following Senate amendment was read:

Amendment No. 1268.

Amend section 1, page 1, line 15, after the period by inserting: "*Service of a notice to a tenant where rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 120 days must be delivered in person in the manner set forth in paragraph (a) of subsection 1 of NRS 40.280. If such notice cannot be delivered in person, the witness to the attempt must sign a statement as proof that this method of delivery was attempted and service of the notice must be delivered in the manner set forth in paragraph (b) or (c) of subsection 1 of NRS 40.280.*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 40.280 is hereby amended to read as follows:

40.280 1. [The] *Except as otherwise provided in NRS 40.253, the* notices required by NRS 40.251 to 40.260, inclusive, may be served:

(a) By delivering a copy to the tenant personally, in the presence of a witness;

(b) If he is absent from his place of residence or from his usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at his place of residence or place of business; or

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. Service upon a subtenant may be made in the same manner as provided in subsection 1.

3. Before an order to remove a tenant is issued pursuant to subsection 3 of NRS 40.253, a landlord must file with the court a proof of service of any notice required by that section. This proof must consist of:

(a) A statement, signed by the tenant and a witness, acknowledging that the tenant received the notice on a specified date;

(b) A certificate of mailing issued by the United States Postal Service; or

(c) The endorsement of a sheriff, constable or other process server stating the time and manner of service.

If service of the notice was not delivered in person to a tenant whose rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 120 days, proof of service must also include a signed statement by a witness that an attempt to deliver in person failed.".

Amend the title of the bill, second line, after the semicolon by inserting: "requiring landlords to attempt to have a notice to quit delivered in person to certain tenants;".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 687.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 696.

The following Senate amendment was read:

Amendment No. 1272.

Amend sec. 9, page 5, by deleting lines 30 through 35 and inserting:

"4. The commission is not entitled to a distribution of revenue from the supplemental city-county relief tax.".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 696.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sader moved that Assembly Bill No. 719 be taken from the Chief Clerk's desk and re-referred to the Committee on Judiciary.

Motion carried.

Assemblyman Porter moved that the Assembly recess until 10:30 a.m.

Motion carried.

Assembly in recess at 12:52 a.m.

ASSEMBLY IN SESSION

At 11:45 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 1, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 427 and requests a conference, and appointed Senators Rawson, O'Donnell and Glomb as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 435 and requests a conference, and appointed Senators McGinness, Smith and Neal as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 73.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 244.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolutions Nos. 6, 8.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Joint Resolution No. 11.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 67, 75.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Assembly Concurrent Resolution No. 45, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 4, 6, 405, 421, 462, 477; Senate Concurrent Resolution No. 35.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bills Nos. 19, 298.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 79.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, July 2, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 523, 557.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bills Nos. 87, 327, 482, 531, 573 declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Wendell Williams, Arberry and Chowning as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 427.

Mr. Speaker appointed Assemblymen Sader, Smith and Evans as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 435.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 523.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 557.

Assemblyman Porter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 468, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 17, which is attached to and hereby made a part of this report.

WENDELL P. WILLIAMS	RAYMOND D. RAWSON
RICK CHARLES BENNETT	WILLIAM J. RAGGIO
JOAN A. LAMBERT	LORI LIPMAN BROWN
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 17.

Amend section 1, page 2, line 8, by deleting "*shall*" and inserting "*may*".

Amend sec. 4, page 3, by deleting line 14 and inserting: "*succeeding year. Unless a majority of the members of the board of county commissioners and a majority of the members of the governing body of the city reject the budget within 21 days after it is submitted to them, the trustees shall*".

Amend sec. 4, page 3, line 19, after "*354.59801.*" by inserting: "*If the budget is so rejected, the trustees shall resubmit a revised budget for joint review pursuant to this subparagraph.*".

Assemblyman Wendell Williams moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 468.

Remarks by Assemblyman Wendell Williams.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 221.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 221:

YEAS—37.

NAYS—Gibbons, Lambert, Sader—3.

Absent—Carpenter, Haller—2.

Senate Bill No. 221 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 87.

Bill read third time.

Remarks by Assemblyman Wendell Williams.

Roll call on Senate Bill No. 87:

YEAS—40.

NAYS—None.

Absent—Carpenter, Haller—2.

Senate Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 327.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Senate Bill No. 327:

YEAS—40.

NAYS—None.

Absent—Carpenter, Haller—2.

Senate Bill No. 327 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 482.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Senate Bill No. 482:

YEAS—22.

NAYS—Augustine, Bennett, Collins, Ernaut, Gibbons, Gregory, Heller, Hettrick, Humke, Lambert, McGaughey, Marvel, Neighbors, Perkins, Porter, Tiffany, Wendell Williams, Mr. Speaker—18.

Absent—Carpenter, Haller—2.

Senate Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 531.

Bill read third time.

Remarks by Assemblyman Myrna Williams.

Roll call on Senate Bill No. 531:

YEAS—40.

NAYS—None.

Absent—Carpenter, Haller—2.

Senate Bill No. 531 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 573.

Bill read third time.

Remarks by Assemblyman Garner.

Roll call on Senate Bill No. 573:

YEAS—40.

NAYS—None.

Absent—Carpenter, Haller—2.

Senate Bill No. 573 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Myrna Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:59 a.m.

ASSEMBLY IN SESSION

At 12:06 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Garner moved that the Assembly do not recede from its action on Senate Bill No. 19, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Garner.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Dini, Garner and Marvel as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 19.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Sader moved that the Assembly do not recede from its action on Senate Bill No. 298, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Sader.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Sader, Porter and Gregory as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 298.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Concurrent Resolution No. 45.

The following Senate amendment was read:

Amendment No. 1302.

Amend the resolution, pages 2 and 3, by deleting lines 19 through 48 on page 2 and lines 1 through 4 on page 3.

Amend the resolution, pages 3 and 4, by deleting lines 46 and 47 on page 3 and lines 1 and 2 on page 4 and inserting:

"RESOLVED, That there are no limitations upon the number of measures that may be recommended by interim legislative studies; and be it further".

Assemblyman Myrna Williams moved that the Assembly do not concur in the Senate amendment to Assembly Concurrent Resolution No. 45.

Remarks by Assemblyman Myrna Williams.

Motion carried.

Resolution ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 557, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VAL Z. GARNER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 772 be placed on the General File.

Motion carried.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 557 declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 772.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 772:

YEAS—40.

NAYS—None.

Absent—Carpenter, Haller—2.

Assembly Bill No. 772 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 557.

Bill read third time.

Remarks by Assemblymen Hettrick and Myrna Williams.

Assemblyman Myrna Williams moved that Senate Bill No. 557 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Price, Smith, Segerblom, Kenny, Gregory, McGaughey, Wendell Williams, Collins and Bache:

Assembly Bill No. 791—An Act relating to tourism; increasing the mandatory tax by counties and cities on revenues from the rental of transient lodging; revising the composition of the county fair and recreation board in the largest counties; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

Assemblyman Porter moved that the Assembly recess until 2 p.m.

Motion carried.

Assembly in recess at 12:19 p.m.

ASSEMBLY IN SESSION

At 2:27 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 20, 295, 378, 596, 640, 731, 779.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 90, 575, 592, 619, 766, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 4 and requests a conference, and appointed Senators McGinness, Rawson and Titus as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 138.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators McGinness, Raggio and Adler as a second Committee on Conference concerning Assembly Joint Resolution No. 11.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 52, 347, 370, 415, 461, 511, 540, 559; Senate Concurrent Resolution No. 43.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bills Nos. 174, 497.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Myrna Williams moved that Senate Bill No. 557 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Myrna Williams.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 364 be taken from the Chief Clerk's desk and re-referred to the Committee on Government Affairs.

Motion carried.

Assemblyman Porter moved that Assembly Bill No. 488 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Porter moved that Assembly Joint Resolution No. 41 be taken from the Chief Clerk's desk and re-referred to the Committee on Elections and Procedures.

Motion carried.

Assemblyman Porter moved that Assembly Concurrent Resolution No. 78 be taken from the Chief Clerk's desk and re-referred to the Committee on Labor and Management.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 95 be taken from the Chief Clerk's desk and re-referred to the Committee on Government Affairs.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 380 be taken from the Chief Clerk's desk and re-referred to the Committee on Labor and Management.

Motion carried.

Assemblyman Porter moved that Senate Bill No. 527 be taken from the Chief Clerk's desk and re-referred to the Committee on Education.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 575.

The following Senate amendment was read:

Amendment No. 1212.

Amend sec. 43, page 14, by deleting lines 19 and 20 and inserting: "them. Except as otherwise provided in subsection 1 of section 1 of Senate Bill No. 319 of this session and subsection 1 of section 1 of [this act,] *Senate Bill No. 280 of this session,* the fees collected pursuant to this subsec-".

Amend sec. 50, page 20, by deleting lines 37 through 41 and inserting: "employed by the various judicial districts in Nevada or by a department of family, youth and juvenile services established pursuant to section 4 of Assembly Bill No. 654 of this session whose official duties require them to enforce court orders on juvenile offenders and make arrests;

27. Field investigators of the taxicab authority;

28. Security officers employed full time by a city or county whose official duties require them to carry weapons and make arrests; and

29. Forensic technicians and correctional officers employed in the program for mentally disordered offenders of the mental hygiene and mental retardation division of the department of human resources.] *persons upon whom*".

Amend sec. 63, page 23, line 34, by deleting "1.".

Amend sec. 63, page 23, by deleting line 37.

Amend the bill as a whole by deleting sec. 65 and the leadlines of repealed sections and text of repealed section of Statutes of Nevada and adding a new section designated sec. 65 and the leadlines of repealed sections, following sec. 64, to read as follows:

"Sec. 65. 1. Sections 28, 30, 43 and 64 of this act become effective at 12:01 a.m. on October 1, 1993.

2. Section 50 of this act becomes effective at 12:02 a.m. on October 1, 1993.

LEADLINES OF REPEALED SECTIONS

62.125 Director of juvenile services: Powers of peace officer.

209.171 Duties for which designated officers and employees have powers and privileges of peace officers.

210.270 When officers and employees of school have powers of peace officers.

210.700 When officers and employees of school have powers of peace officers.

210.745 When chief and parole officers have powers of peace officers.

212.210 Power to maintain and retake custody of prisoner.

213.1097 Parole and probation officers have powers of peace officers.

218.6857 Powers of legislative police officers.

392.460 Protection and discipline of children.

477.015 State fire marshal, assistant and deputies: Powers of peace officers; limitation on retirement.

481.073 Chiefs of divisions have powers of peace officers.

562.500 Inspectors have powers of peace officers.".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 575.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 766.

The following Senate amendment was read:

Amendment No. 1255.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 through 8 as sections 3 through 6.

Amend sec. 5, page 3, by deleting lines 3 and 4 and inserting: "area embraced by [the streets and highways plan described in NRS 373.030] *a regional plan for transportation established pursuant to NRS 373.1161* may be obtained by the".

Amend sec. 6, page 4, by deleting lines 34 through 36 and inserting:

"2. Where the project is within the area covered by [the streets and highways plan described in NRS 373.030,] *a regional plan for transportation established pursuant to NRS 373.1161,* the commission shall evaluate it in terms of:".

Amend sec. 6, page 5, by deleting lines 9 and 10 and inserting: "towns within the area covered by [the streets and highways plan described in NRS 373.030.] *a regional plan for transportation established pursuant to NRS 373.1161.*".

Amend sec. 6, page 5, line 11, by deleting "by the" and inserting: "by [the] *a*".

Amend sec. 6, page 5, by deleting lines 13 and 14 and inserting:

"(a) Its relation to the [streets and highway plan;] *regional plan for transportation established pursuant to NRS 373.1161 if any;*".

Amend sec. 7, page 5, by deleting lines 27 through 29 and inserting: "town whose territory is not included wholly or in part in [the streets and

highways plan described in NRS 373.030] *a regional plan for transportation established pursuant to NRS 373.1161* may receive a distribution in aid of an approved con-".

Amend sec. 8, page 5, line 43, by deleting "2" and inserting "1".

Assemblyman Spitler moved that the Assembly concur in the Senate amendment to Assembly Bill No. 766.

Remarks by Assemblyman Spitler.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Spitler moved that the Assembly do not recede from its action on Senate Bill No. 497, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Spitler.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Spitler and Gregory as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 497.

Mr. Speaker appointed Assemblymen Sader, Price and Evans as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 4.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 90.

The following Senate amendment was read:

Amendment No. 1341.

Amend section 1, page 1, line 15, by deleting "*agency*" and inserting: "*agency, except a clerical employee,*".

Amend section 1, page 2, by deleting lines 1 and 2 and inserting:

"*(b) During the immediately preceding year he directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry which might, but for this section, employ him; or*".

Amend section 1, page 2, line 5, by deleting "*ethics commission*" and inserting: "*commission on ethics*".

Amend section 1, page 2, line 8, by deleting "*ethics commission*" and inserting: "*commission on ethics*".

Amend section 1, page 2, line 9, by deleting "*harmful*" and inserting "*contrary*".

Amend section 1, page 2, line 10, by deleting "*and*".

Amend section 1, page 2, line 11, by deleting "*government,*" and inserting: "*government; and*

(c) The code of ethical standards prescribed in NRS 281.481,".

Amend section 1, page 2, by deleting line 13 and inserting: "*commission on ethics in such a case is subject to judicial review.*".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 90.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 619.

The following Senate amendment was read:

Amendment No. 1217.

Amend sec. 4, page 3, between lines 14 and 15, by inserting:

"4. The state contractors' board may designate certain of its employees to prepare, sign and serve written citations on persons accused of violating NRS 624.230.".

Amend sec. 4, page 3, line 15, by deleting "4." and inserting "5.".

Amend sec. 5, page 3, line 22, by deleting "12:01" and inserting "12:02".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 619.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Garner moved that the Assembly do not recede from its action on Senate Bill No. 174, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Garner.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Bennett, Ernaut and Wendell Williams as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 174.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 592.

The following Senate amendment was read:

Amendment No. 1332.

Amend sec. 9.5, page 8, line 28, by deleting the period and inserting: ", *except materials:*

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law.".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 592.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

GENERAL FILE AND THIRD READING

Senate Bill No. 557.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Senate Bill No. 557:

YEAS—40.

NAYS—None.

Absent—Carpenter, Haller—2.

Senate Bill No. 557 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Toomin requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PORTER:

Mr. Speaker, no man can predict the future, but I am about to enter a new chapter in my life and I may or may not have the privilege of returning to this house. In the event that I do not, I just wanted to take a few moments to publicly recognize some of the individuals that I came here with, and some of the ones who were here when I arrived.

To the Speaker pro Tempore, I say thank you for never setting me up, for never backdooring me and for always being by my side when I needed you.

To the Chairman of Government Affairs, I thank you for always doing everything I ever asked you to do. You did it out of loyalty, dedication to your party and your caucus, and hopefully out of respect for me.

To the Chairman of Judiciary, I say thank you for helping me grow up. You taught me how to be a chairman, how to be a leader, how to think through my arguments in a cogent and rational manner, but most of all, you taught me what little patience I have.

To the Chairman of Health and Human Services, the Chairman of Natural Resources and my distinguished colleague from District 33 who is not here, the remaining members of my freshman class of 1986, I say thank you for eight years of friendship and mutual respect. We were and will always be a unique group that learned together, grew together and more often than not, hung together.

To my caucus director, Gary Gray, I say thank you for eight years of strategy, planning and political warfare. You made our caucus what it is today and you are truly one of the finest talents that I have ever worked with.

To Cindy Southerland, I say thank you for being there. You are dedicated, loyal, honest, efficient and my friend.

To my two counterparts, the current Minority Leader and my colleague from District 13, I say thank you for your patience and your cooperation and for putting aside partisan differences for the good of all of Nevada.

To you, Mr. Speaker, thank you for giving a young man the opportunity to prove himself. You put your faith in someone from another part of the state and from another generation. I hope that I have not disappointed you.

Finally to my roommates, the Chairman of Education and the Chairman of Ways and Means, what can I say? You have been my family, my confidants and most of all my friends. When we were freshman, we laughed about being buttons. We shared the

frustration that all freshman feel. But this was our time. It was our turn, it was our watch and we gave it 200 percent. I have never enjoyed sharing my life with men that I truly admire and respect more than the two of you. We did what most men never get an opportunity to do. Gentlemen, we lived our dream.

Mr. Speaker, when Gerald Ford surrendered the White House to Jimmy Carter, a reporter asked him if he had any regrets. President Ford smiled and said, "Nope, it's been a hell of a ride." Thank you all, very much.

MR. SPEAKER:

Thank you, Mr. Porter, for your eight years of outstanding service to the citizens of this state.

Assemblyman Bennett requested that the following remarks be entered in the Journal.

ASSEMBLYMAN WENDELL WILLIAMS:

Thank you, Mr. Speaker. It would be pretentious and remiss if I did not say a few words about Mr. Porter. I met him in 1986 at the county Democratic convention. We both hit it off at the same time and filed for office together on the same date. It sort of became traditional as well as superstitious not to file together and we started doing things pretty much because of that. It became traditional to contact each other every time anything political happened.

It has often been said that champions ride on the people's shoulders, and heroes ride the people on their shoulders. Mr. Porter is a hero, but most people would never know. Probably, because they really cannot understand him. And I say that from a positive standpoint. If the State of Nevada would ever indicate or identify people who are true Nevadans, Gene Porter is one. There is probably no one in my family, or anyone who I have known who I care about any more than I do Gene.

In politics, deception is reality and one of the unfortunate things about politics is there are so many factors that come into play that keep people out of the political light. It is unfortunate that that particular type of friend is only increasing. It is unfortunate that pretty soon I am very fearful that people like Gene, who many of you will never really get to know, will not even attempt to seek political office because of those negatives. It is unfortunate that people who are involved in policy and who set policy do not dictate policy, the press does. Because of that, a lot of things are obscured and the truth never really comes out. When you get beyond the images that take place in this chamber and in this building and what happens and get to know the real people who sacrifice their lives and their families and their time to serve here, real people surface beyond that. Some people, like Mr. Porter, could do a lot of things with their lives. People who have the type of intelligence, the type of smart and quick thinking and good heart that he has, could be doing a lot of other things and probably making a lot more money. But, that is what people think success is.

One thing that he has taught me is that there are more things to life than materialistic things that many of us try to seek. Another great person says that the true measure of a man is determined when he can rise above is own individualistic concerns and on to the broader concerns of humanity. And that is the kind of person Mr. Porter is. It is unfortunate that his tone today would indicate we may not see him back in these chambers again. That is our loss. It is a loss for the State of Nevada and it is a loss for the future history of Nevada. It is a loss for the people who depend on us to make decisions on their behalf.

I just hope the relationship I have had with him, somehow some of those moments I could frame and freeze them, and also hope that the relationship we have built, if in fact some of the things that we do in the future do not involve what goes on in the political arena, increases and moves to a higher level. I could not find the words if I took this body's time for the next five hours to really say how I feel right now about him and what he has been. Thank you, Mr. Speaker.

ASSEMBLYMAN PETRAK:

Thank you, Mr. Speaker. To my colleagues, about this tall fellow sitting over there, Gene Porter, 3435 Lost Hills Drive will always be open to you, Mr. Porter. When I first met Gene Porter, he said, "What do you think you can do to help the state?" I could not answer that very well, so he sat down and he said, "What do you think about the seniors in our state and in your district?" I do not have to say anything to anybody about that. We talked about the needs of the people in our state and our county and he said, "Do you think you can help in any way about that?" So, he was good enough to give me the chance to be a part of that. He is a dear friend and I love the guy. He truly walks as an eight-foot giant. I respect that and, Mr. Porter, I do not care what you do or where you go or anything else, my home is always open to you. Phyllis and I love you. Thank you for being with me. Thank you.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. As Minority Leader, I would like to thank you, Mr. Speaker, you Madam Speaker pro Tempore, and certainly the Majority Leader and Majority Whip and my assistant leader and, of course, my whip over there. And to each and every one of you committee chairmen, for the cooperation that you have extended to me and to my other 12. In all reality, we understand the game of politics and I think as the Majority Leader said, we do have to be partisan, but we have all become good friends. And, I want to compliment each and every person sitting here for what our Chairman of Education said. For the extreme sacrifice you have made for the State of Nevada and I hope the public would better understand what you do go through. The hours you spend, the sacrifices you make to your families and to your businesses, because I think the perception has been wrong. I admire each and every person for even attempting to seek their seat in the Assembly. I even want to thank you people in the gallery. We understand why you are there, and we appreciate the help that you give us. I think that most of us understand why you are there and we certainly seek out the best information that we can from you. I want to thank each and every one of you from the bottom of my heart for the cooperation you have extended to me. Thank you.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 322.

MARY JO MONGELLI
Assistant Secretary of the Senate

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 2:58 p.m.

ASSEMBLY IN SESSION

At 3:21 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 522.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Gregory moved that the Assembly do not recede from its action on Senate Bill No. 322, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Gregory.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 259 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 259.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1380.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Upon receipt of a framed portrait of Isaac Roop, former Governor of the Provisional Territory of Nevada, the secretary of state shall submit the portrait to the legislative commission for acceptance. Upon acceptance by the legislative commission, the portrait must be displayed with the portraits of the former governors of the State of Nevada.

Sec. 2. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"An Act relating to gubernatorial portraits; providing for the acceptance and display of a portrait of Isaac Roop, former Governor of the Provisional Territory of Nevada; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides for acceptance and display of portrait of Isaac Roop, former Governor of the Provisional Territory of Nevada. (BDR S-1594)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:25 p.m.

ASSEMBLY IN SESSION

At 4:21 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 311, 474, 745, 784.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 290, 456, 723, 740, 755, 768, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 1325 to Senate Bill No. 354 and respectfully refused to concur in the Assembly Amendment No. 1326 to Senate Bill No. 354.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 522.

Assemblyman Porter moved that the bill be referred to the Committee on Commerce.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 435, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

ROBERT M. SADER	MIKE MCGINNESS
STEPHANIE SMITH	R. HAL SMITH
JAN EVANS	JOSEPH M. NEAL, JR.
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 435.

Remarks by Assemblyman Sader.

Motion carried.

Mr. Speaker:

The second Committee on Conference concerning Assembly Joint Resolution No. 11, consisting of the undersigned members, has met, and reports that:

No decision was reached.

JOSEPH E. DINI, JR.	MIKE MCGINNESS
GENE T. PORTER	WILLIAM J. RAGGIO
JAN EVANS	ERNEST E. ADLER
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Porter moved that the Assembly adopt the report of the second Committee on Conference concerning Assembly Joint Resolution No. 11.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 456.

The following Senate amendment was read:

Amendment No. 1356.

Amend sec. 3, page 2, by deleting line 12 and inserting:

"2. *The tax must be calculated pursuant to NRS 364A.140 and 364A.150 upon the number of hours*".

Amend sec. 5, page 2, by deleting line 30 and inserting:

"364A.130 1. [A] *Except as otherwise provided in subsection 6 and section 3 of this act, a* person".

Amend sec. 6, pages 3 and 4, by deleting lines 12 through 48 on page 3 and lines 1 through 34 on page 4 and inserting: "business in this state. The tax for each calendar quarter is due on the last day of the quarter and must be paid on or before the last day of the [following] month *immediately following the quarter* on the basis of the [average number of employees] *total number of equivalent full-time employees employed by the business* in the quarter.

2. [Except as otherwise provided in NRS 364A.150, the average number of employees for a quarter] *The total number of equivalent full-time employees employed by the business in the quarter* must be calculated [by determining the number of employees on the payroll of the business during the week that includes the 12th day of the month for each of the months in the quarter. The number so derived for each of the months in the quarter must be added together and then divided by three to determine the average number of employees for the business.] *pursuant to NRS 364A.150.*

3. Except as otherwise provided in NRS 364A.170 [,] *and section 2 of this act,* the amount of tax due per quarter for a business is $25 for each [employee.] *equivalent full-time employee employed by the business in the quarter.*

4. Each business shall file a return on a form prescribed by the department with each remittance of the tax. If the payment due is greater than $1,000, the payment must be made by direct deposit at a bank in which the state has an account, unless the department waives this requirement pursuant to regulations adopted by the commission. The return must include a

statement of the [average] number of [employees of the business for] *equivalent full-time employees employed by the business in* the preceding quarter and any other information the department determines is necessary.

5. [For the purposes of this section the average number of employees of a business does not include a sole proprietor or one natural person in any unincorporated business, who shall be deemed the owner of the business rather than an employee.

6. The department shall prorate the tax:

(a) If a business begun during the quarter applies for its license within 10 days after opening and tenders payment on or before the last day of the quarter.

(b) If a business ended during the quarter surrenders its license and tenders payment within 10 days after closing.

7.] The commission shall adopt regulations concerning the payment of the tax imposed pursuant to this section by direct deposit.".

Amend sec. 7, page 5, line 40, by deleting "*5.*" and inserting "*6.*".

Amend sec. 7, page 6, between lines 10 and 11 by inserting:

"*5. The total number of hours all employees have worked during the quarter must be calculated excluding the hours worked by a sole proprietor or one natural person in any unincorporated business, who shall be deemed the owner of the business rather than an employee.*".

Amend sec. 7, page 6, line 11, by deleting "*5.*" and inserting "*6.*".

Amend the bill as a whole by renumbering sections 9 and 10 as sections 10 and 11 and adding new sections designated sections 8 and 9, following sec. 7, to read as follows:

"Sec. 8. Section 1 of Senate Bill No. 550 of this session is hereby amended to read as follows:

Section 1. Chapter 364A of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent allowed in subsection 2, there is exempted from the taxes imposed by this chapter the activity or activities conducted by a business pursuant to a written contract for the construction of an improvement to real property which was executed before July 1, 1991, or for which a binding bid was submitted before that date if the bid was afterward accepted, if under the terms of the contract or bid the contract price or bid amount cannot be adjusted to reflect the imposition of the tax imposed by this chapter.

2. [If an employee of such a business performs work pursuant to:

(a) A contract which is exempt pursuant to subsection 1 and does not perform work on any contract which is not exempt within the same calendar month, he must not be included in the number of employees for purposes of calculating the tax for that month pursuant to NRS 364A.140 or 364A.150.

(b) Both exempt and nonexempt contracts within the same calendar month, he must be included in the number of employees for purposes of calculating the tax for that month pursuant to NRS 364A.140 or 364A.150.] *The number of hours in a quarter during which an employee*

actually worked exclusively on a job under a contract which is exempt pursuant to subsection 1 must be excluded in any calculations for that employee made pursuant to the formulas for determining the total number of hours of all employees pursuant to subsections 3 and 4 of NRS 364A.150. If the number of hours an employee worked in each week of the quarter, excluding the exempt hours and including any hours of compensated leave, does not exceed 36 hours per week, the employee's total hours for the quarter must be calculated pursuant to subsection 4 of NRS 364A.150. In all other cases the hours must be calculated pursuant to subsection 3 of NRS 364A.150. If the business does not maintain records which allow the hours worked on separate contracts to be segregated, all hours worked by any employee who works on jobs under both exempt and nonexempt contracts must be included in the calculations made pursuant to NRS 364A.150.

Sec. 9. Sections 2 and 3 of Senate Bill No. 550 of this session are hereby repealed.".

Amend the bill as a whole by adding the text of the repealed sections, following sec. 10, to read as follows:

"TEXT OF REPEALED SECTIONS

Section 2 of Senate Bill No. 550 of this session:

Sec. 2. NRS 364A.140 is hereby amended to read as follows:

364A.140 1. A tax is hereby imposed upon the privilege of conducting business in this state. The tax must be paid on or before the last day of each calendar quarter on the basis of the average number of employees in the previous calendar quarter.

2. Except as otherwise provided in NRS 364A.150 [,] *and section 1 of this act,* the average number of employees for a quarter must be calculated by determining the number of employees on the payroll of the business during the week that includes the 12th day of the month for each of the months in the quarter. The number so derived for each of the months in the quarter must be added together and then divided by three to determine the average number of employees for the business.

3. Except as otherwise provided in NRS 364A.170, the amount of tax due per quarter for a business with an average number of employees of:

(a) Not more than 99 must be determined pursuant to the following table:

Average Number of Employees during the Previous Calender Quarter	Total Tax for the Calendar Quarter
More than 0 but not more than 1	$25
More than 1 but not more than 4	75
More than 4 but not more than 9	175
More than 9 but not more than 19	375
More than 19 but not more than 34	700
More than 34 but not more than 49	1,050
More than 49 but not more than 74	1,600
More than 74 but not more than 99	2,250

(b) More than 99 but not more than 999 is $2,250 plus $30 for each employee, or portion thereof, over 99.

(c) More than 999 is $29,250 plus $17.50 for each employee, or portion thereof, over 999 up to but not exceeding $100,000 for the quarter.

4. Each business shall file a return on a form prescribed by the department with each remittance of the tax. If the payment due is greater than $1,000, the payment must be made by direct deposit at a bank in which the state has an account, unless the department waives this requirement pursuant to regulations adopted by the commission. The return must include a statement of the average number of employees of the business for the preceding quarter and any other information the department determines is necessary.

5. For the purposes of this section:

(a) The average number of employees of a business does not include a sole proprietor or one natural person in any unincorporated business, who shall be deemed the owner of the business rather than an employee.

(b) The businesses conducted by a corporation, partnership, proprietorship, business association or similar organization or by a natural person shall be deemed a single business if:

(1) The businesses are similar or related; and

(2) In the case of businesses conducted by a corporation, partnership, proprietorship, business association or similar organization, the businesses are affiliated.

(c) If a person supplies more than 999 employees to a business, the employees supplied to the business shall be deemed a separate business of the person who supplies the employees.

6. The department shall prorate the tax:

(a) If a business begun during the quarter applies for its license within 10 days after opening and tenders payment on or before the last day of the quarter.

(b) If a business ended during the quarter surrenders its license and tenders payment within 10 days after closing.

7. The commission shall adopt regulations concerning the payment of the tax imposed pursuant to this section by direct deposit.

8. As used in this section:

(a) "Affiliated" means to be directly or indirectly controlling, controlled by or under common control with another person.

(b) "Control" means the power to direct or cause the management, operations or policies of a person, through direct or indirect ownership of that person.

Section 3 of Senate Bill No. 550 of this session:

Sec. 3. NRS 364A.150 is hereby amended to read as follows:

364A.150 1. A business may elect to pay the tax imposed by NRS 364A.140 on the basis of the average number of employees determined pursuant to the provisions of this section *and section 1 of this act* in lieu

of the provisions of subsection 2 of NRS 364A.140. The election must be made on or before the date the first payment of the fiscal year is made. An election made pursuant to this subsection applies for all four payments due during the fiscal year in which the election is made.

2. If a business elects to pay the tax pursuant to the provisions of this section, the total dollar amount of the payroll of the employer for the calendar quarter upon which the tax is based must be divided by the average wage factor for the fiscal year to determine the average number of employees of the business. The amount of tax due pursuant to subsection 3 of NRS 364A.140 must be calculated based upon the average number of employees determined pursuant to this subsection [.] *and section 1 of this act.*

3. The average wage factor for fiscal year 1991-1992 is $3,120. The factor must be cumulatively increased or decreased by the department for each fiscal year by a percentage equal to the percentage change in the Consumer Price Index for the preceding calendar year.

4. If 50 percent or more of the employees of a business average working 20 hours or less per week, the business may petition the executive director to allow it to prove that it pays a substantially higher average wage than the average wage factor for the fiscal year to which the petition applies for the purposes of determining its number of employees pursuant to this section. The business shall pay the tax based upon the average wage factor for the fiscal year pending the determination of the petition. An adverse decision of the executive director may be appealed to the commission. The decision of the commission is a final decision. If the executive director, or the commission upon appeal, determines that the business meets the requirements of this subsection, the business may apply the formula set forth in subsection 2 using the higher wage approved for the business pursuant to this subsection in place of the average wage factor. The number of employees determined pursuant to the provisions of this subsection must be multiplied by 1.33 before it is used to determine the amount of tax due for the calendar quarter pursuant to subsection 3 of NRS 364A.140.

5. The commission shall adopt regulations that provide for the development of average wage factors for businesses that are primarily engaged in the business of providing temporary or continuing employees to other businesses on a contract or fee basis. The regulations must ensure the development of average wage factors that equitably tax all such businesses and result in the payment by each business of an amount of tax that is approximately equal to comparable businesses of other types. The commission may require such additional information from these businesses as it deems necessary to carry out the provisions of this subsection.".

Amend the title of the bill, first line, by deleting "calculated;" and inserting: "calculated and corrected;".

Assemblyman Lambert moved that the Assembly concur in the Senate amendment to Assembly Bill No. 456.

Remarks by Assemblyman Lambert.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 755.

The following Senate amendment was read:

Amendment No. 1354.

Amend the bill as a whole by deleting sec. 4 and inserting:

"Sec. 4. (Deleted by amendment.)".

Amend sec. 8, page 9, by deleting lines 38 through 42 and inserting:

"Sec. 8. This act becomes effective upon passage and approval.".

Amend the title of the bill, by deleting the fourth and fifth lines and inserting: "money market mutual funds; authorizing a board of".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 755.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 723.

The following Senate amendment was read:

Amendment No. 1365.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 287.245 is hereby amended to read as follows:

287.245 1. The state may agree with any of its employees, and the board of regents of the University of Nevada may agree with any of its employees, to reduce the amount of taxable compensation due to an employee in accordance with a program established pursuant to 26 U.S.C. § 125 by the committee on benefits.

2. *Political subdivisions of this state may agree with any of their employees to reduce the amount of taxable compensation due to an employee in accordance with a program established pursuant to 26 U.S.C. § 125.*

3. The employer shall deduct an amount from the taxable compensation of an employee pursuant to the agreement between the employer and the employee.

[3.] *4.* An employer shall not make any reduction in the taxable compensation of an employee pursuant to this section until the program established meets the requirements of 26 U.S.C. § 125 for eligibility.

[4.] *5.* The committee on benefits may establish and administer a program pursuant to 26 U.S.C. § 125. The committee may:

(a) Create an appropriate fund for administration of money and other assets resulting from the money deducted under the program.

(b) Delegate to one or more state agencies or institutions of the University and Community College System of Nevada the responsibility for administering the program for their respective employees, including:

(1) Collection of money deducted;

(2) Transmittal of money collected to depositories within the state designated by the committee; and

(3) Payment for eligible uses.

(c) Contract with a natural person, corporation, institution or other entity, directly or through a state agency or institution of the University and Community College System of Nevada, for services necessary to the administration of the plan, including:

(1) Consolidated billing;

(2) The keeping of records for each participating employee and the program;

(3) The control and safeguarding of assets;

(4) Programs for communication with employees; and

(5) The administration and coordination of the program.

[5.] *6.* Each employee who participates in a program established by the committee pursuant to this section shall pay a proportionate share of the cost to administer the program as determined by the committee.

[6.] *7.* The provisions of this section do not supersede, make inoperative or reduce the benefits provided by the public employees' retirement system or by any other retirement, pension or benefit program established by law.".

Amend sec. 3, page 2, line 36, by deleting "2" and inserting "3".

Amend sec. 3, page 2, line 39, by deleting "2" and inserting "3".

Amend sec. 3, page 2, after line 40, by inserting:

"3. Section 2 of this act becomes effective on October 1, 1993.".

Amend the title of the bill to read as follows:

"An Act relating to public employees; requiring under certain circumstances the same rates and coverage for group insurance for participating public agencies as are established for state employees; authorizing political subdivisions of this state to enter into agreements with their employees to reduce the amount of taxable compensation due to the employees in accordance with a program established pursuant to federal law; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions regarding group insurance and taxable compensation of public employees. (BDR 23-91)".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 723.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 740.

The following Senate amendment was read:

Amendment No. 1361.

Amend section 1, page 1, line 3, after "*hunting*" by inserting: "*permitted by law*".

Assemblyman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 740.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 768.

The following Senate amendment was read:

Amendment No. 1377.

Amend section 1, page 1, line 10, by deleting "*15*" and inserting "*10*".

Amend section 1, page 1, line 11, by deleting "*25*" and inserting "*20*".

Assemblyman Price moved that the Assembly concur in the Senate amendment to Assembly Bill No. 768.

Remarks by Assemblyman Price.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Gregory moved that the Assembly recede from its action on Senate Bill No. 354.

Motion carried.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 61, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Committee on Conference, to consist of three members, for the further consideration of the measure.

VIVIAN L. FREEMAN	BOB COFFIN
MARCIA DE BRAGA	WILLIAM R. O'DONNELL
KATHY M. AUGUSTINE	DIANA M. GLOMB
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Freeman moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 61.

Remarks by Assemblyman Freeman.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Toomin, Smith and Heller as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 61.

Mr. Speaker appointed Assemblymen Gregory, de Braga and Collins as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 322.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 290.

The following Senate amendment was read:

Amendment No. 1378.

Amend the bill as a whole by deleting sections 2 and 3 and renumbering sec. 4 as sec. 2.

Amend the title of the bill by deleting the third and fourth lines and inserting: "public school to the administrators and faculty members of that school; and providing other matters properly relating thereto.".

Assemblyman Arberry moved that the Assembly concur in the Senate amendment to Assembly Bill No. 290.

Remarks by Assemblyman Arberry.

Motion carried.

Bill ordered enrolled.

Assemblyman Porter moved that the Assembly recess until 5:30 p.m.

Motion carried.

Assembly in recess at 4:35 p.m.

ASSEMBLY IN SESSION

At 6:19 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 522, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

GENE T. PORTER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 177, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 468.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bill Nos. 91, 168, 247, 552.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rawson, Jacobsen and Callister as a first Committee on Conference concerning Senate Bill No. 19.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators James, Callister and McGinness as a first Committee on Conference concerning Senate Bill No. 298.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Porter moved that Assembly Bill No. 259 be placed on the General File.

Motion carried.

Assemblyman Porter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 522 declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 259.

Bill read third time.

Remarks by Assemblymen Arberry, Price, Bonaventura, Humke and Segerblom.

Roll call on Assembly Bill No. 259:

YEAS—38.

NAYS—None.

Absent—Carpenter, Haller, Petrak, Wendell Williams—4.

Assembly Bill No. 259 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 522.

Bill read third time.

Remarks by Assemblymen Porter, Toomin, Giunchigliani and Freeman.

Roll call on Senate Bill No. 522:

YEAS—38.

NAYS—None.

Absent—Carpenter, Haller, Petrak, Wendell Williams—4.

Senate Bill No. 522 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 177.

The following Senate amendments were read:

Amendment No. 1362.

Amend sec. 23, page 5, by deleting lines 17 through 22 and inserting:

"*3. Except as otherwise provided in subsection 4, a boundary or line must*".

Amend sec. 23, page 5, by deleting line 27 and inserting:

"*4. The provisions of subsection 3 do not apply to a boundary or line that is*".

Amend sec. 33, page 11, line 25, by deleting "ments of" and inserting: "ments, including the delineation of Nevada state plane coordinates established pursuant to chapter 327 of NRS, for any corner of the subdivision or any other point prescribed by".

Amend sec. 37, page 14, by deleting lines 6 through 8 and inserting: "county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.".

Amend sec. 38, page 14, by deleting lines 32 and 33 and inserting: "is located indicating that all property taxes on the land for the fiscal year have been paid.".

Amend sec. 43, page 19, by deleting lines 8 and 9 and inserting: "be divided is located indicating that all property taxes on the land for the fiscal year have been paid.".

Amend sec. 46, page 20, by deleting lines 7 through 9 and inserting: "county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.".

Amend sec. 47, page 21, by deleting lines 36 through 38 and inserting: "land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.".

Amend sec. 53, page 27, by deleting lines 26 and 27 and inserting:

"(1) He has performed a field survey sufficient to locate and identify properly the proposed boundary line adjustment;".

Amend sec. 53, page 27, by deleting line 29 and inserting: "have been defined by monuments or will be otherwise defined on a document of record as required by NRS 625.340; and".

Amend sec. 53, page 27, by deleting lines 40 through 43 and inserting: "inclusive [;] *, or sections 19, 20 and 21 of this act;*

(4) All property taxes on the land for the fiscal year have been paid; and".

Amend sec. 54, page 28, line 7, by deleting "[shall]" and inserting "[do]".

Amend sec. 54, page 28, line 10, by deleting "such" and inserting "the".

Amend sec. 54, page 28, line 11, by deleting "shall supersede," and inserting "supersedes".

Amend sec. 54, page 28, by deleting line 12 and inserting: "boundaries of the city, any provisions of the building code not consistent".

Amend sec. 54, page 28, by deleting line 14 and inserting: "4. The provisions of subsection 3 do not apply to farm or".

Amend sec. 54, page 28, by deleting line 19 and inserting: "23, 1971, and except as otherwise provided in subsection 6.

6. The provisions of this section do not apply to a school district to which the state public works board has delegated its powers and duties under NRS 393.110.".

Amend the bill as a whole by deleting sections 61 and 62 and renumbering sections 63 through 66 as sections 61 through 64.

Amend sec. 66, page 31, by deleting line 32 and inserting:

"Sec. 64. Sections 33, 34 and 53 of this act become effective at 12:01 a.m. on October".

Amendment No. 1381.

Amend sec. 43, page 19, by deleting lines 9 and 10 and inserting: "*county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.*".

Assemblyman McGaughey moved that the Assembly concur in the Senate amendments to Assembly Bill No. 177.

Remarks by Assemblyman McGaughey.

Motion carried.

Bill ordered enrolled.

Assemblyman Sader moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 6:43 p.m.

ASSEMBLY IN SESSION

At 7:43 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 259, 513, 642.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 415, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate appointed Senators O'Donnell, Nevin and Hickey as a first Committee on Conference concerning Senate Bill No. 497.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 4, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 24, which is attached to and hereby made a part of this report.

ROBERT M. SADER
ROBERT E. PRICE
JAN EVANS
Assembly Committee on Conference

MIKE MCGINNESS
RAYMOND D. RAWSON
DINA TITUS
Senate Committee on Conference

Conference Amendment No. 24.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 218.908 is hereby amended to read as follows:

218.908 1. "Gift" means a payment, subscription, advance, forbearance, rendering or deposit of money, services or anything of value unless consideration of equal or greater value is received.

2. "Gift" does not include a political contribution of money or services related to a political campaign, a commercially reasonable loan made in the ordinary course of business, cost of entertainment , *including the cost of food or beverages,* or anything of value received from a member of the recipient's immediate family or from a relative of the recipient or his spouse within the third degree of consanguinity or from the spouse of any such relative.".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 2, to read as follows:

"Sec. 4. NRS 218.932 is hereby amended to read as follows:

218.932 1. The legislative commission shall adopt regulations to carry out the provisions of NRS 218.900 to 218.944, inclusive, may require fees for registration, payable into the legislative fund, and may classify lobbyists for this purpose.

2. The director shall:

(a) Prepare and furnish forms for the statements and reports required to be filed.

(b) Prepare and publish uniform methods of accounting and reporting to be used by persons required to file such statements and reports [.] , *including guidelines for complying with the reporting requirements of NRS 218.900 to 218.944, inclusive.*

(c) Accept and file any information voluntarily supplied that exceeds the requirements of NRS 218.900 to 218.944, inclusive.

(d) Develop a filing, coding and cross-indexing system consistent with the purposes of NRS 218.900 to 218.944, inclusive.

(e) Make the statements and reports available for public inspection during regular office hours.

(f) Preserve the statements and reports for a period of 5 years from the date of filing.

(g) Compile and keep current an alphabetical list of registrants, including their address, the name and address of each person for whom the registrant is lobbying and the principal areas of interest on which he expects to lobby. A copy of the list must be furnished to each legislator, to the clerks of the respective counties for preservation and public inspection, and to any person who requests a copy and pays the cost of reproduction.".

Amend the title of the bill, second line, after "activities;" by inserting: "clarifying certain provisions for the purposes of the statutes governing lobbying;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to lobbying. (BDR 17-13)".

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 4.

Remarks by Assemblyman Sader.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 427, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

WENDELL P. WILLIAMS	RAYMOND D. RAWSON
MORSE ARBERRY, JR.	WILLIAM R. O'DONNELL
VONNE CHOWNING	DIANA M. GLOMB
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Arberry moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 427.

Remarks by Assemblyman Arberry.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 19, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 23, which is attached to and hereby made a part of this report

JOSEPH E. DINI, JR.	RAYMOND D. RAWSON
VAL Z. GARNER	LAWRENCE E. JACOBSEN
JOHN W. MARVEL	MATTHEW Q. CALLISTER
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 23.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 4 and 5 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 533.024 is hereby amended to read as follows:

533.024 The legislature declares that it is the policy of this state [to] *:*

1. To encourage and promote the use of effluent, where [such] *that* use is not contrary to the public health, safety or welfare, and where [such] *that* use does not interfere with federal obligations to deliver [Colorado River water.] *water of the Colorado River.*

2. In a county whose population is less than 400,000, to recognize the importance of domestic wells as appurtenances to private homes, to create a protectible interest in such wells and to protect their supply of water from unreasonable adverse effects caused by municipal, quasi-municipal or industrial uses.

Sec. 2. NRS 533.360 is hereby amended to read as follows:

533.360 1. Except as otherwise provided in subsection [3,] *4,* NRS 533.345 and subsection 3 of NRS 533.370, when an application is filed in compliance with this chapter the state engineer shall, within 30 days, publish or cause to be published for a period of 4 consecutive weeks, in a

newspaper of general circulation and printed and published in the county where the water is sought to be appropriated, a notice of the application, which sets forth:

(a) That the application has been filed.

(b) The date of the filing.

(c) The name and address of the applicant.

(d) The name of the source from which the appropriation is to be made.

(e) The location of the place of diversion [.] , *described by legal subdivision or metes and bounds and by a physical description of that place of diversion.*

(f) The purpose for which the water is to be appropriated.

The publisher shall add thereto the date of the first publication and the date of the last publication.

2. Except as otherwise provided in subsection [3,] *4,* proof of publication must be filed within 30 days after the final day of publication. The state engineer shall pay for the publication from the application fee. If the application is canceled for any reason before publication, the state engineer shall return to the applicant that portion of the application fee collected for publication.

3. *If the application is for a proposed well:*

(a) In a county whose population is less than 400,000;

(b) For municipal, quasi-municipal or industrial use; and

(c) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

the applicant shall mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well, to his address as shown in the latest records of the county assessor. If there are not more than six such wells, notices must be sent to each owner by certified mail, return receipt requested. If there are more than six such wells, at least six notices must be sent to owners by certified mail, return receipt requested. The return receipts from these notices must be filed with the state engineer before he may consider the application.

4. The provisions of this section do not apply to an environmental permit.

Sec. 3. NRS 534.110 is hereby amended to read as follows:

534.110 1. The state engineer shall administer this chapter and shall prescribe all necessary [rules and] regulations within the terms of this chapter for [such] *its* administration.

2. The state engineer may:

(a) Require periodical statements of water elevations, water used, and acreage on which water was used from all holders of permits and claimants of vested rights.

(b) Upon his own initiation, conduct pumping tests to determine if overpumping is indicated, to determine the specific yield of the aquifers and to determine permeability characteristics.

3. The state engineer shall determine [if] *whether* there is unappropriated water in the area affected and may issue permits only if [such] *the* determination is affirmative. *The state engineer shall require each applicant to whom a permit is issued for a well:*

(a) In a county whose population is less than 400,000;

(b) For municipal, quasi-municipal or industrial use; and

(c) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

to report periodically to the state engineer concerning the effect of that well on other previously existing wells that are located within 2,500 feet of the well.

4. It [shall be an express] *is a* condition of each appropriation of ground water acquired under this chapter that the right of the appropriator [shall relate] *relates* to a specific quantity of water and that [such] *the* right must allow for a reasonable lowering of the static water level at the appropriator's point of diversion. In determining [such] *a* reasonable lowering of the static water level in a particular area, the state engineer shall consider the economics of pumping water for the general type of crops growing and may also consider the effect of [water use] *using water* on the economy of the area in general.

5. [Nothing herein shall be so construed as to] *This section does not* prevent the granting of permits to applicants later in time on the ground that the diversions under [such] *the* proposed later appropriations may cause the water level to be lowered at the point of diversion of a prior appropriator, so long as the rights of holders of existing appropriations can be satisfied under such express conditions. *At the time a permit is granted for a well:*

(a) In a county whose population is less than 400,000;

(b) For municipal, quasi-municipal or industrial use; and

(c) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

the state engineer shall include as a condition of the permit that pumping water pursuant to the permit may be limited or prohibited to prevent any unreasonable adverse effects on an existing domestic well located within 2,500 feet of the well, unless the holder of the permit and the owner of the domestic well have agreed to alternative measures that mitigate those adverse affects.

6. The state engineer shall conduct investigations in any basin or portion thereof where it appears that the average annual replenishment to the ground water supply may not be adequate for the needs of all permittees and all vested-right claimants, and if his findings so indicate the state engineer may order that withdrawals be restricted to conform to priority rights.

7. In any basin or portion thereof in the state designated by the state engineer, the state engineer may restrict drilling of wells in any portion thereof if he determines that additional wells would cause an undue interference with existing wells. Any order or decision of the state engineer so restricting drilling of such wells may be reviewed by the district court of the county pursuant to NRS 533.450.".

Amend the title of the bill, by deleting the first line and inserting:

"An Act relating to water; providing in certain counties for the protection of domestic wells from impairment for other uses and for the redress of impairment if it occurs; authorizing the Las Vegas Valley water".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes to provisions governing water. (BDR 48-528)".

Assemblyman Garner moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 19.

Remarks by Assemblyman Garner.

Assemblyman Garner requested that his remarks be entered in the Journal.

I am requesting that this statement be made part of the record. The addition to NRS 534.110(5) is intended to make it clear that existing domestic wells are protected from unreasonable adverse affects caused by pumping from a subsequently drilled well. However, it is not intended to change or limit the state engineers's authority to protect other types of wells from similar unreasonable adverse affects caused by pumping from a subsequently drilled well. Thank you, very much.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 298, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 16, which is attached to and hereby made a part of this report.

ROBERT M. SADER	MARK A. JAMES
GENE T. PORTER	MATTHEW Q. CALLISTER
WILLIAM DAVID GREGORY	MIKE MCGINNESS
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 16.

Amend the bill as a whole by deleting sec. 7.

Assemblyman Sader moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 298.

Remarks by Assemblyman Sader.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 497, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

BERNIE ANDERSON	WILLIAM R. O'DONNELL
LARRY L. SPITLER	LEONARD V. NEVIN
WILLIAM DAVID GREGORY	THOMAS J. HICKEY
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Anderson moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 497.

Remarks by Assemblyman Anderson.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 415.

The following Senate amendment was read:

Amendment No. 1376.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 2 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 332 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided by specific statute:

(a) A governing body or its authorized representative in a county whose population is 100,000 or more shall advertise all contracts for which the estimated amount required to perform the contract exceeds $25,000.

(b) Such a governing body or its authorized representative may enter into a contract of any nature without advertising if the estimated amount required to perform the contract is $25,000 or less.

(c) If the estimated amount required to perform the contract is more than $10,000 but not more than $25,000, requests for bids must be submitted to two or more persons capable of performing the contract, if available. The governing body or its authorized representative shall maintain a permanent record of all requests for bids and all bids received.

2. Nothing in this section prohibits a governing body or its authorized representative from advertising for or requesting bids regardless of the estimated amount to perform the contract.".

Amend section 1, page 1, line 3, after "*representative*" by inserting: "*in a county whose population is 100,000 or less*".

Amend section 1, page 1, line 5, by deleting "*$25,000.*" and inserting "*$10,000.*".

Amend section 1, page 1, by deleting line 6 and inserting: "*(b)* [A] *Such a*".

Amend section 1, page 1, line 8, by deleting "[$10,000] *$25,000*" and inserting "$10,000".

Amend section 1, page 1, by deleting line 10 and inserting: "than $5,000 but not more than $10,000, requests for".

Amend sec. 2, page 1, line 23, after "*332.035*" by inserting: "*and section 1 of this act*".

Amend the title of the bill by deleting the second line and inserting: "advertisement of competitive bids for purchases by a local government in certain counties; raising the".

Amend the summary of the bill by deleting the second line and inserting: "local government in certain counties. (BDR 27-832)".

Assemblyman Garner moved that the Assembly concur in the Senate amendment to Assembly Bill No. 415.

Remarks by Assemblyman Garner.

Motion carried.

Bill ordered enrolled.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 193, 699, 780, and respectfully requests your honorable body to concur in said amendments.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 780.

The following Senate amendment was read:

Amendment No. 1379.

Amend sec. 7, pages 2 and 3, by deleting lines 40 through 48 on page 2 and lines 1 through 7 on page 3, and inserting:

"Sec. 7. Notwithstanding the amendatory provisions of this act, a public swimming pool existing on the effective date of this act which, as a result of the amendatory provisions of this act becomes subject to the regulations adopted by the state board of health or by a local board of health for public swimming pools, shall be deemed to be in compliance with those regulations.".

Assemblyman Sader moved that the Assembly concur in the Senate amendment to Assembly Bill No. 780.

Remarks by Assemblyman Sader.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 699.

The following Senate amendment was read:

Amendment No. 1383.

Amend section 1, page 1, by deleting lines 20 through 23 and inserting:

"2. The county clerk of Nye County shall include on the ballot for the general election held on November 8, 1994, the question whether county library districts will be created for the towns of Round Mountain, Tonopah, Beatty and Amargosa Valley. The board of county commissioners of Nye County shall, upon the approval of the question by the voters of each of the towns of Round Mountain, Tonopah, Beatty and Amargosa Valley at that general election, order the creation of county library districts for those towns and set the boundaries of each district on or before January 1, 1995.".

Amend the title of the bill to read as follows:

"An Act relating to libraries; requiring that the board of county commissioners of Nye County create certain county library districts in Nye County upon the approval of the voters at the next general election; and providing other matters properly relating thereto.".

Assemblyman Neighbors moved that the Assembly concur in the Senate amendment to Assembly Bill No. 699.

Remarks by Assemblyman Neighbors.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 193.

The following Senate amendment was read:

Amendment No. 1384.

Amend sec. 2, page 1, line 4, after "*supervision*" by inserting: "*, for compensation,*".

Amend sec. 4, page 1, lines 16 and 17, by deleting: "*at any time,*" and inserting: "*during normal business hours,*".

Assemblyman Evans moved that the Assembly concur in the Senate amendment to Assembly Bill No. 193.

Remarks by Assemblyman Evans.

Assemblymen Humke, Scherer and Lambert requested a roll call on Assemblyman Evans's motion.

Roll call on Assemblyman Evans's motion:

YEAS—36.

NAYS—None.

Absent—Carpenter, Haller, McGaughey, Petrak, Toomin, Wendell Williams—6.

The motion having received a majority, Mr. Speaker declared it carried.

Bill ordered enrolled.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:02 p.m.

ASSEMBLY IN SESSION

At 8:07 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

REMARKS FROM THE FLOOR

Assemblyman Myrna Williams requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

I would like to make a few comments about our Director of the Legislative Counsel Bureau. He is going to retire at the end of December. He is a man who has had a distinguished career in our chambers and in our organization operating our Legislative Counsel Bureau. He started out in the audit division. He is an auditor. I think that is where his heart really is; in auditing. He runs a tight ship for us. He came in at a time when our morale was very bad among our staff. We had internal problems and we moved him over from the director of audit to the director of the counsel bureau, and he has built up an organization the last few years that far excels anywhere in the country. He is a kind man and he is an honorable person. His word is good. He works hard to do the job for us as individual legislators and to keep this thing running. You know, we have a large permanent staff in the counsel bureau. It is a big job to operate this organization and to keep everything running well. He is the one who prepares for us when we open the session and he does all the fine details. When we order remodeling or repairs, it all falls on his shoulders, eventually, as director of the counsel bureau. I want to commend him and thank him for the years of service that he has given us.

I think when he started out as the head of audit they only had three or four auditors and, I believe, they have 22 now. Our audit function has become a very important service of

the Legislative Counsel Bureau, and it is because John Crossley actively pursued this service, helped them start a good organization and passed laws that were meaningful and that really helped us in our organization of the counsel bureau. I think it is one of the best in the country and it is because of devoted people like John Crossley that we have done such a good job. So, I ask that we all stand and give him a big ovation and wish him a real good retirement.

ASSEMBLYMAN EVANS:

Thank You, Madam Speaker pro Tempore. I would also like to extend a word of appreciation to Mr. Crossley. I think that I have lost track of the number of times I have trekked down to his office and asked him about this problem or that and I have always been the beneficiary of his wise counsel. His knowledge of the legislature is unparalleled. He is truly an institutional man. I think he has one of the toughest jobs imaginable; he has two houses to worry about, he has two parties to keep happy and an extensive staff of professionals. John, we thank you for all you have done. This will always be your home. Come back and see us often. Good Luck.

Madam Speaker pro Tempore requested the privilege of the Chair for the purpose of making the following remarks:

One additional comment to add to those of Mrs. Evans. He also has 63 distinct personalities to deal with, and he does it with grace. We appreciate that very much, John.

MR. JOHN CROSSLEY:

Thank you very much. I have done one thing in my life that I think I will always remember and that is when I moved to Nevada from California and took this job. This has been one of the most rewarding experiences. My family has enjoyed Nevada and we plan to stay in Nevada. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Madam Speaker pro Tempore. I would not let this pass without saying a few words of my appreciation to John for his help over the years, going back to when he was head of our audit department and then came with us as director of the Legislative Counsel Bureau. I was just thinking, I guess there have been four directors since I have been here as an assemblyman. John you have been wonderful to work with. I hope that your retired days are enjoyable to you and your family. It has been a pleasure for all of us to work with you.

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:14 p.m.

ASSEMBLY IN SESSION

At 8:15 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Concurrent Resolution No. 45 and requests a conference, and appointed Senators McGinness, Smith and Titus as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Coffin and Rhoads as a first Committee on Conference concerning Senate Bill No. 174.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Nevin, O'Connell and Rhoads as a first Committee on Conference concerning Senate Bill No. 322.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 61 and requests a second conference, and appointed Senators Townsend, Brown and Raggio as a second Committee on Conference to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 61.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Lambert, Sader and Evans as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Concurrent Resolution No. 45.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:17 p.m.

ASSEMBLY IN SESSION

At 9:11 p.m.
Mr. Speaker presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 4.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 427.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 221, 398, 555.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 19.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 298.

Mary Jo Mongelli
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Concurrent Resolution No. 45, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

JOAN A. LAMBERT
ROBERT M. SADER
JAN EVANS
Assembly Committee on Conference

MIKE MCGINNESS
R. HAL SMITH
DINA TITUS
Senate Committee on Conference

Assemblyman Lambert moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Concurrent Resolution No. 45.

Remarks by Assemblyman Lambert.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 174, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 19, which is attached to and hereby made a part of this report.

	ANN O'CONNELL
RICK CHARLES BENNETT	BOB COFFIN
PETE ERNAUT	DEAN A. RHOADS
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 19.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 241 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *A public body shall not hold a closed meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of an elected member of a public body.*

Sec. 3. *1. A public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person unless it has given written notice to that person of the time and place of the meeting. Except as otherwise provided in subsection 2, the written notice must be:*

(a) Delivered personally to that person at least 5 working days before the meeting; or

(b) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.

A public body must receive proof of service of the notice required by this subsection before such a meeting may be held.

2. The Nevada athletic commission is exempt from the requirements of paragraphs (a) and (b) of subsection 1, but must give written notice of the time and place of the meeting and must receive proof of service of the notice before the meeting may be held.

3. A public body shall provide a copy of any record of a closed meeting prepared pursuant to NRS 241.035, upon the request of any person whose character, alleged misconduct, professional competence, or physical or mental health was considered at the meeting.

Sec. 4. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise specifically provided by statute, all meetings of public bodies must be open and public, and all persons must be

permitted to attend any meeting of these bodies. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate physically handicapped persons desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list and description of the items to be voted on during the meeting which must be clearly denoted as items on which action will be taken.

(3) A period devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken pursuant to subparagraph (2).

3. Minimum public notice is:

(a) A copy of the notice posted at the principal office of the public body, or if there is no principal office, at the building in which the meeting is to be held, and at least three other separate, prominent places within the jurisdiction of the public body [;] *not later than 9 a.m. 3 working days before the meeting;* and

(b) Mailing a copy of the notice to any person who has requested notice of the meetings of the body in the same manner in which notice is required to be mailed to a member of the body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with or notation upon the first notice sent. *The notice must be delivered to the postal service used by the body not later than 9 a.m. 3 working days before the meeting.*

4. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.".

Amend the bill as a whole by renumbering sections 3 through 5 as sections 5 through 7.

Amend sec. 3, page 2, line 3, by deleting "*section 1*" and inserting: "*sections 2 and 3*".

Amend the bill as a whole by adding a new section designated sec. 8, following sec. 5, to read as follows:

"Sec. 8. 1. This section and sections 1 and 2 of this act become effective upon passage and approval.

2. Sections 3 to 7, inclusive, of this act become effective on October 1, 1993.".

Amend the title of the bill, fifth and sixth lines, by deleting: "increasing the number of days required" and inserting: "revising the requirement".

Assemblyman Bennett moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 174.

Remarks by Assemblymen Bennett, Kenny, Sader and Augustine.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 322, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 22, which is attached to and hereby made a part of this report.

WILLIAM DAVID GREGORY	LEONARD V. NEVIN
MARCIA DE BRAGA	ANN O'CONNELL
C. W. TOM COLLINS	WILLIAM J. RAGGIO
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 22.

Amend section 1, page 1, line 12, after "*contributor*" by inserting: "*or potential contributor*".

Assemblyman Collins moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 322.

Remarks by Assemblyman Collins.

Motion carried.

Mr. Speaker:

The second Committee on Conference concerning Senate Bill No. 61, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

STEPHANIE SMITH	LORI LIPMAN BROWN
DEAN A. HELLER	WILLIAM J. RAGGIO
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Smith moved that the Assembly adopt the report of the second Committee on Conference concerning Senate Bill No. 61.

Remarks by Assemblyman Smith.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2, 1993

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committe on Conference concerning Assembly Bill No. 435.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Committee on Conference concerning Assembly Joint Resolution No. 11.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Concurrent Resolution No. 45.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 174.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 322.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 497.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Committee on Conference concerning Senate Bill No. 61.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 103, 229, 386, 395, 735, 748, 752, 762, 763, 776; Assembly Concurrent Resolutions Nos. 36, 38, 47, 71, 76, 79; Senate Bills Nos. 16, 106, 198, 213, 235, 236, 237, 371, 376, 391, 411, 413, 427, 429, 470, 471, 545, 550, 551, 553, 567, 570.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Kimberly Lampshire and Mr. John Van Geel.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Carolyn Harry.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Segerblom, Porter and Myrna Williams as a committee to wait upon His Excellency, Bob Miller, Governor of the State of Nevada, and to inform him that the Assembly is ready to adjourn *sine die*.

Mr. Speaker appointed Assemblymen Evans, Arberry and Marvel as a committee to wait upon the Senate and to inform that honorable body that the Assembly is ready to adjourn *sine die*.

A committee from the Senate, consisting of Senators O'Donnell, McGinness and Brown, appeared before the bar of the Assembly and announced that the Senate is ready to adjourn *sine die*.

Assemblyman Segerblom reported that her committee had informed the Governor that the Assembly is ready to adjourn *sine die*.

Assemblyman Evans reported that her committee had informed the Senate that the Assembly is ready to adjourn *sine die*.

Assemblyman Porter moved that the Sixty-seventh Session of the Assembly of the Legislature of the State of Nevada adjourn *sine die*.

Motion carried.

Assembly adjourned at 9:40 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

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Bills introduced by, A.B. 4, 21; A.B. 90, 55; A.B. 91, 55; A.B. 92, 55; A.B. 138, 73; A.B. 141, 74; A.B. 148, 95; A.B. 149, 95; A.B. 150, 96; A.B. 151, 96; A.B. 152, 96; A.B. 153, 96; A.B. 154, 97; A.B. 165, 102; A.B. 170, 114; A.B. 176, 122; A.B. 186, 127; A.B. 188, 130; A.B. 190, 136; A.B. 195, 145; A.B. 199, 149; A.B. 200, 149; A.B. 201, 149; A.B. 202, 150; A.B. 203, 154; A.B. 205, 162; A.B. 207, 164; A.B. 244, 180; A.B. 246, 180; A.B. 288, 199; A.B. 290, 204; A.B. 298, 230; A.B. 306, 233; A.B. 307, 238; A.B. 312, 240; A.B. 313, 243; A.B. 337, 269; A.B. 341, 276; A.B. 343, 280; A.B. 356, 298; A.B. 357, 298; A.B. 358, 299; A.B. 359, 299; A.B. 372, 312; A.B. 374, 313; A.B. 379, 329; A.B. 385, 331; A.B. 405, 358; A.B. 421, 380; A.B. 423, 385; A.B. 426, 396; A.B. 427, 397; A.B. 428, 397; A.B. 439, 413; A.B. 440, 413; A.B. 445, 417; A.B. 449, 420; A.B. 450, 420; A.B. 451, 421; A.B. 452, 425; A.B. 455, 433; A.B. 456, 433; A.B. 457, 434; A.B. 462, 442; A.B. 468, 458; A.B. 471, 463; A.B. 474, 469; A.B. 494, 494; A.B. 496, 498; A.B. 506, 516; A.B. 508, 520; A.B. 509, 520; A.B. 528, 569; A.B. 529, 569; A.B. 531, 574; A.B. 534, 583; A.B. 539, 595; A.B. 546, 617; A.B. 547, 618; A.B. 548, 618; A.B. 558, 641; A.B. 559, 649; A.B. 568, 658; A.B. 577, 660; A.B. 579, 661; A.B. 586, 681; A.B. 588, 682; A.B. 589, 682; A.B. 593, 687; A.B. 596, 687; A.B. 597, 692; A.B. 601, 696; A.B. 604, 701; A.B. 605, 712; A.B. 615, 715; A.B. 641, 756; A.B. 643, 761; A.B. 646, 787; A.B. 657, 792; A.B. 658, 793; A.B. 663, 823; A.B. 668, 832; A.B. 669, 832; A.B. 680, 855; A.B. 682, 864; A.B. 684, 870; A.B. 685, 871; A.B. 686, 871; A.B. 718, 929; A.B. 723, 930; A.B. 739, 1006; A.B. 750, 1071; A.B. 751, 1126.
Committee Appointments—
Conference re A.B. 68, 569; A.B. 327, 1601; A.B. 361, 1645; A.B. 379, 1601; S.B. 497, 2019.
Standing—
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Labor and Management (vice chairman), 34.
Taxation, 133.
Transportation, 34.
Conflict of Interest re A.B. 454, 615; S.B. 569, 1865.

ANDERSON, BERNARD (BERNIE)—*Continued*
Moves—
Adopt report of conference committee re S.B. 497, 2042.
Adoption of amendment(s) to A.B. 55, 262; A.B. 155, 246; A.B. 176, 725; A.B. 229, 481; A.B. 665, 1612; A.B. 723, 1564; A.B. 781, 1695; S.B. 130, 539; S.B. 452, 1770; S.B. 497, 1860.
Adoption of resolution(s), A.C.R. 52, 699; A.C.R. 60, 821; A.C.R. 61, 843.
Previous question re A.B. 323, 347.
Recess to hear Irish Ballad by Assemblyman Stephanie Smith, 311.
Rescind action on S.B. 571, 1869.
Suspend Rules, transmit immediately to the Senate, A.C.R. 52, 700; A.C.R. 60, 822; A.C.R. 61, 845.
Nominates Mouryne B. Landing for Chief Clerk of Assembly, 6.
Notice of reconsideration of vote re S.B. 571, 1869.
Remarks from the floor re Assemblyman Wendell Williams, recipient of Trenholm Award, 1822; A.B. 253, 456; A.B. 393, 646; A.C.R. 7, 100; A.C.R. 25, 250; A.C.R. 52, 699; A.C.R. 60, 821; A.C.R. 61, 843; A.C.R. 66, 1005; A.C.R. 82, 1676; S.B. 294, 1497, 1499; S.B. 316, 1368; S.B. 466, 1150; S.B. 511, 1931; S.C.R. 2, 119; S.C.R. 12, 279; S.C.R. 19, 373; S.C.R. 33, 617; S.C.R. 34, 635; S.C.R. 53, 1530.
Resolutions introduced by, A.J.R. 7, 69; A.J.R. 8, 73; A.J.R. 11, 94; A.J.R. 14, 154; A.J.R. 16, 180; A.J.R. 19, 199; A.J.R. 23, 272; A.J.R. 27, 462; A.J.R. 41, 1493; A.J.R. 42, 1738; A.C.R. 2, 19; A.C.R. 7, 98; A.C.R. 11, 138; A.C.R. 12, 148; A.C.R. 13, 155; A.C.R. 14, 161; A.C.R. 22, 225; A.C.R. 23, 228; A.C.R. 25, 247; A.C.R. 27, 292; A.C.R. 30, 302; A.C.R. 32, 355; A.C.R. 33, 384; A.C.R. 35, 416; A.C.R. 36, 425; A.C.R. 40, 490; A.C.R. 41, 514; A.C.R. 42, 531; A.C.R. 44, 593; A.C.R. 52, 698; A.C.R. 53, 700; A.C.R. 54, 711; A.C.R. 60, 820; A.C.R. 61, 843; A.C.R. 65, 951; A.C.R. 66, 1004; A.C.R. 68, 1058; A.C.R. 69, 1059; A.C.R. 70, 1068; A.C.R. 72, 1132; A.C.R. 73, 1134; A.C.R. 76, 1379; A.C.R. 80, 1488; A.C.R. 81, 1575; A.C.R. 82, 1675; A.C.R. 83, 1677; A.C.R. 84, 1739.
Roll call vote requested on motion re A.B. 787, 1779.
Withdraws motion re S.B. 571, 1870.

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By Madam Speaker pro Tempore—
Troescher, Marcy, recess to hear musical rendition by, 748.
By Mr. Speaker—
Bennett, Lyn, recess to hear, 389.
Bryan, U.S. Senator Richard, Joint Session to hear, 479.
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Kiss Me Kate by Western Nevada Community College, recess to hear, 615.
Matteucci, Judy, Director, Department of Administration, recess to hear, 131.
Munson, Roger A., National Commander of the American Legion, recess to hear, 89.
O'Brien Middle School Choir, recess to hear musical rendition, 451.
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Standing Committee Assignments, 34, 131, 133, 201.
Tennille, Ms. Toni, recess to hear, 318.

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Price, 1063.

ARBERRY, MORSE, JR., Assemblyman from Clark County, No. 7 District—
Absences, excused, 690.
Bills introduced by, A.B. 4, 21; A.B. 90, 55; A.B. 91, 55; A.B. 92, 55; A.B. 138, 73; A.B. 141, 74; A.B. 144, 77; A.B. 148, 95; A.B. 149, 95; A.B. 150, 96; A.B. 151, 96; A.B. 152, 96; A.B. 153, 96; A.B. 154, 97; A.B. 165, 102; A.B. 170, 114; A.B. 176, 122; A.B. 186, 127; A.B. 191, 136; A.B. 195, 145; A.B. 199, 149; A.B. 200, 149; A.B. 202, 150; A.B. 203, 154; A.B. 205, 162; A.B. 207, 164; A.B. 209, 165; A.B. 243, 171; A.B. 244, 180; A.B. 298, 230; A.B. 306, 233; A.B. 312, 240; A.B. 313, 243; A.B. 329, 261; A.B. 330, 261; A.B. 337, 269; A.B. 341, 276; A.B. 343, 280; A.B. 357, 298; A.B. 358, 299; A.B. 359, 299; A.B. 374, 313; A.B. 378, 320; A.B. 381, 330; A.B. 382, 330; A.B. 405, 358; A.B. 421, 381; A.B. 423, 385; A.B. 426, 397; A.B. 427, 397; A.B. 433, 405; A.B. 439, 413; A.B. 440, 413; A.B. 445, 417; A.B. 448, 417; A.B. 449, 420; A.B. 450, 420; A.B. 451, 421; A.B. 452, 425; A.B. 455, 433; A.B. 457, 434; A.B. 462, 442; A.B. 468, 458; A.B. 471, 463; A.B. 473, 469; A.B. 474, 469; A.B. 494, 494; A.B. 496, 498; A.B. 506, 516; A.B. 508, 520; A.B. 514, 535; A.B. 515, 535; A.B. 516, 535; A.B. 529, 569; A.B. 531, 574; A.B. 534, 583; A.B. 546, 617; A.B. 547, 618; A.B. 548, 618; A.B. 557, 638; A.B. 558, 641; A.B. 559, 649; A.B. 579, 661; A.B. 586, 681; A.B. 588, 682; A.B. 593, 687; A.B. 596, 688; A.B. 597, 692; A.B. 601, 696; A.B. 604, 701; A.B. 605, 712; A.B. 615, 715; A.B. 643, 761; A.B. 658, 793; A.B. 663, 823; A.B. 665, 823; A.B. 666, 823; A.B. 680, 855; A.B. 682, 864; A.B. 684, 870; A.B. 685, 871; A.B. 686, 871; A.B. 695, 908; A.B. 723, 930; A.B. 750, 1071.
Committee Appointments—
Conference re A.B. 427, 2011; S.B. 201, 1464; S.B. 306, 885.
Escort, Speaker of Assembly, 3.
Select Committee on Government Reorganization, 124.
Special, inform Senate Assembly ready to adjourn *sine die*, 2051.
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Commerce (vice chairman), 34.
Ways and Means (chairman), 34.
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Adopt report of conference committee re A.B. 427, 2039; S.B. 201, 1838; S.B. 306, 1066.
Adoption of amendment(s) to A.B. 19, 1143; A.B. 206, 1868; A.B. 259, 2025; A.B. 316, 386; A.B. 321, 1743; A.B. 386, 539; A.B. 407, 1072; A.B. 409, 1879; A.B. 430, 608; A.B. 431, 875; A.B. 536, 1747; A.B. 596, 1869; A.B. 729, 1598; A.B. 730, 1621; A.B. 747, 1362; A.B. 748, 1450; S.B. 52, 1756; S.B. 79, 1428; S.B. 84, 1482; S.B. 107, 1756; S.B. 238, 746; S.B. 265, 1764; S.B. 385, 1407; S.B. 422, 1363.
Adoption of resolution(s), A.C.R. 2, 20; A.C.R. 34, 400; S.C.R. 4, 130.
Concur in Senate amendment(s) to A.B. 170, 1913; A.B. 290, 2034; A.B. 316, 1112; A.B. 386, 1846; A.B. 430, 1843; A.B. 661, 1845; A.B. 747, 2008.
Do not recede from action on S.B. 238, 890; S.B. 306, 885.
Previous question re A.B. 323, 1912; A.B. 681, 1951.
Suspend Rules, transmit immediately to the Senate, A.C.R. 1, 20; A.C.R. 2, 20.

ARBERRY, MORSE, JR.—*Continued*
Remarks from the floor re A.B. 787, 1773, 1777; A.C.R. 2, 20; S.B. 329, 588; S.C.R. 42, 965.
Resolutions introduced by, A.J.R. 7, 69; A.J.R. 8, 73; A.J.R. 11, 94; A.J.R. 14, 154; A.J.R. 16, 180; A.J.R. 19, 198; A.J.R. 23, 272; A.J.R. 27, 462; A.J.R. 42, 1738; A.C.R. 2, 19; A.C.R. 7, 98; A.C.R. 11, 138; A.C.R. 12, 148; A.C.R. 13, 155; A.C.R. 14, 161; A.C.R. 22, 225; A.C.R. 23, 228; A.C.R. 25, 247; A.C.R. 26, 289; A.C.R. 27, 292; A.C.R. 30, 302; A.C.R. 32, 355; A.C.R. 33, 384; A.C.R. 35, 416; A.C.R. 36, 425; A.C.R. 39, 485; A.C.R. 40, 490; A.C.R. 41, 514; A.C.R. 42, 531; A.C.R. 44, 593; A.C.R. 52, 698; A.C.R. 53, 700; A.C.R. 54, 711; A.C.R. 55, 722; A.C.R. 60, 820; A.C.R. 61, 843; A.C.R. 65, 951; A.C.R. 66, 1004; A.C.R. 67, 1015; A.C.R. 68, 1058; A.C.R. 69, 1059; A.C.R. 70, 1068; A.C.R. 72, 1132; A.C.R. 73, 1134; A.C.R. 76, 1379; A.C.R. 80, 1488; A.C.R. 81, 1575; A.C.R. 82, 1675; A.C.R. 83, 1677; A.C.R. 84, 1739.

ASSEMBLY—
Chief Clerk—*See Chief Clerk of Assembly.*
Speaker of the House—*See Dini, Joseph E., Jr.*
Speaker pro Tempore—*See Williams, Myrna T.*
Standing Rules—*See Rules.*

ATTACHÉS—
Appointment, A.R. 3, 33; A.R. 4, 145; A.R. 5, 199.

AUGUSTINE, KATHY M., Assemblyman from Clark County, No. 12 District—
Bills introduced by, A.B. 4, 21; A.B. 91, 55; A.B. 92, 55; A.B. 141, 74; A.B. 148, 95; A.B. 149, 95; A.B. 150, 96; A.B. 151, 96; A.B. 153, 97; A.B. 154, 97; A.B. 165, 102; A.B. 170, 114; A.B. 186, 127; A.B. 187, 128; A.B. 188, 130; A.B. 195, 145; A.B. 199, 149; A.B. 200, 149; A.B. 201, 149; A.B. 202, 150; A.B. 203, 154; A.B. 207, 164; A.B. 243, 171; A.B. 244, 180; A.B. 246, 180; A.B. 307, 238; A.B. 337, 269; A.B. 341, 276; A.B. 357, 298; A.B. 358, 299; A.B. 378, 320; A.B. 379, 329; A.B. 421, 381; A.B. 423, 385; A.B. 426, 397; A.B. 427, 397; A.B. 433, 405; A.B. 440, 413; A.B. 445, 417; A.B. 449, 420; A.B. 450, 420; A.B. 451, 421; A.B. 455, 433; A.B. 456, 433; A.B. 457, 434; A.B. 462, 442; A.B. 473, 469; A.B. 494, 494; A.B. 496, 498; A.B. 514, 535; A.B. 528, 569; A.B. 529, 569; A.B. 547, 618; A.B. 558, 641; A.B. 564, 650; A.B. 577, 660; A.B. 579, 661; A.B. 586, 681; A.B. 588, 682; A.B. 596, 688; A.B. 597, 692; A.B. 601, 696; A.B. 604, 701; A.B. 605, 712; A.B. 615, 715; A.B. 631, 737; A.B. 641, 756; A.B. 643, 761; A.B. 646, 787; A.B. 657, 792; A.B. 658, 793; A.B. 663, 823; A.B. 665, 823; A.B. 669, 832; A.B. 686, 871; A.B. 750, 1071; A.B. 755, 1139.
Committee Appointments—
Conference re A.B. 138, 1909; S.B. 61, 1647; S.B. 197, 694; S.B. 201, 1464; S.C.R. 17, 1423.
Escort, President of the Senate, 80.
Special, Review status of Conference Committees, 1111.
Standing—
Commerce, 34.
Government Affairs, 34.
Health and Human Services, 34.
Moves—
Adoption of amendment(s) to A.B. 200, 578, 582.

AUGUSTINE, KATHY M.—*Continued*
Moves—*Continued*
Adoption of resolution(s), A.C.R. 77, 1387; S.C.R. 27, 521; S.C.R. 29, 551; S.C.R. 30, 558; S.C.R. 54, 1575; S.C.R. 56, 1606.
Suspend Rules, transmit immediately to the Senate, A.C.R. 77, 1389.
Remarks from the floor re A.B. 253, 455; A.B. 528, 1391; A.B. 780, 1803; A.C.R. 77, 1387; S.B. 466, 1149; S.C.R. 3, 120; S.C.R. 27, 521; S.C.R. 29, 551.
Resolutions introduced by, A.J.R. 7, 69; A.J.R. 11, 94; A.J.R. 14, 154; A.J.R. 16, 180; A.J.R. 19, 198; A.J.R. 21, 254; A.J.R. 23, 272; A.J.R. 27, 462; A.J.R. 42, 1738; A.C.R. 2, 19; A.C.R. 7, 98; A.C.R. 11, 138; A.C.R. 12, 148; A.C.R. 13, 155; A.C.R. 14, 161; A.C.R. 22, 225; A.C.R. 23, 228; A.C.R. 25, 247; A.C.R. 26, 289; A.C.R. 27, 292; A.C.R. 30, 302; A.C.R. 32, 355; A.C.R. 33, 384; A.C.R. 35, 416; A.C.R. 36, 425; A.C.R. 37, 458; A.C.R. 40, 490; A.C.R. 41, 514; A.C.R. 42, 531; A.C.R. 44, 593; A.C.R. 52, 698; A.C.R. 53, 700; A.C.R. 54, 711; A.C.R. 56, 733; A.C.R. 60, 820; A.C.R. 61, 843; A.C.R. 65, 951; A.C.R. 66, 1004; A.C.R. 67, 1015; A.C.R. 68, 1058; A.C.R. 69, 1059; A.C.R. 70, 1068; A.C.R. 72, 1132; A.C.R. 73, 1134; A.C.R. 74, 1360; A.C.R. 76, 1379; A.C.R. 77, 1386; A.C.R. 80, 1488; A.C.R. 81, 1575; A.C.R. 82, 1675; A.C.R. 83, 1676; A.C.R. 84, 1739.

B

BACHE, DOUGLAS A. (DOUG), Assemblyman from Clark County, No. 11 District—
Bills introduced by, A.B. 4, 21; A.B. 138, 73; A.B. 141, 74; A.B. 148, 95; A.B. 149, 95; A.B. 150, 96; A.B. 151, 96; A.B. 152, 96; A.B. 153, 96; A.B. 154, 97; A.B. 165, 102; A.B. 170, 114; A.B. 176, 122; A.B. 186, 127; A.B. 187, 128; A.B. 190, 136; A.B. 195, 145; A.B. 199, 149; A.B. 200, 149; A.B. 202, 150; A.B. 203, 154; A.B. 205, 162; A.B. 206, 162; A.B. 207, 164; A.B. 244, 180; A.B. 246, 180; A.B. 290, 204; A.B. 307, 238; A.B. 313, 243; A.B. 337, 269; A.B. 341, 276; A.B. 343, 280; A.B. 358, 299; A.B. 359, 299; A.B. 372, 312; A.B. 374, 313; A.B. 379, 329; A.B. 380, 329; A.B. 385, 331; A.B. 405, 358; A.B. 421, 380; A.B. 423, 385; A.B. 426, 396; A.B. 427, 397; A.B. 428, 397; A.B. 433, 405; A.B. 439, 413; A.B. 440, 413; A.B. 445, 417; A.B. 449, 420; A.B. 450, 420; A.B. 451, 421; A.B. 452, 425; A.B. 455, 433; A.B. 456, 433; A.B. 457, 434; A.B. 462, 442; A.B. 468, 458; A.B. 471, 463; A.B. 473, 469; A.B. 494, 494; A.B. 496, 498; A.B. 508, 520; A.B. 509, 520; A.B. 514, 535; A.B. 528, 569; A.B. 529, 569; A.B. 534, 583; A.B. 539, 595; A.B. 542, 598; A.B. 546, 617; A.B. 547, 618; A.B. 548, 618; A.B. 558, 641; A.B. 559, 649; A.B. 568, 658; A.B. 578, 660; A.B. 579, 661; A.B. 586, 681; A.B. 587, 682; A.B. 588, 682; A.B. 593, 687; A.B. 596, 687; A.B. 597, 692; A.B. 601, 696; A.B. 605, 712; A.B. 615, 715; A.B. 631, 737; A.B. 641, 756; A.B. 643, 761; A.B. 646, 787; A.B. 648, 790; A.B. 657, 792; A.B. 658, 793; A.B. 663, 823; A.B. 665, 823; A.B. 668, 832; A.B. 669, 832; A.B. 680, 855; A.B. 682, 864; A.B. 684, 870; A.B. 685, 871; A.B. 686, 871; A.B. 718, 929; A.B. 723, 930; A.B. 739, 1006; A.B. 750, 1071; A.B. 751, 1126; A.B. 791, 2015.

BACHE, DOUGLAS, A. (DOUG)—*Continued*
Committee Appointments—
Conference re A.B. 138, 1909; S.B. 123, 756.
Escort, Chief Justice Rose, 8.
Standing—
Government Affairs, 34.
Labor and Management, 34.
Natural Resources, Agriculture and Mining, 34.
Conflict of Interest re A.B. 454, 615; S.B. 569, 1865.
Moves—
Adopt report of conference committee re A.B. 138, 1952.
Adoption of amendment(s) to A.B. 135, 834, 906; A.B. 138, 445; A.B. 359, 862; A.B. 652, 1409; A.C.R. 31, 533; S.B. 92, 1483; S.B. 174, 1831.
Adoption of resolution(s), A.C.R. 31, 544.
Previous question re A.B. 295, 1594; A.B. 374, 739; A.B. 525, 706; S.B. 437, 1378.
Reconsideration of vote re S.B. 67, 882.
Notice of reconsideration of vote re S.B. 67, 872.
Remarks from the floor re Assemblyman Wendell Williams, recipient of Trenholm Award, 1824; A.B. 787, 1778; A.C.R. 81, 1576; S.B. 316, 1368; S.B. 511, 1931.
Resolutions introduced by, A.J.R. 7, 69; A.J.R. 8, 73; A.J.R. 11, 94; A.J.R. 14, 154; A.J.R. 16, 180; A.J.R. 19, 198; A.J.R. 23, 272; A.J.R. 27, 462; A.J.R. 41, 1493; A.J.R. 42, 1738; A.C.R. 2, 19; A.C.R. 7, 98; A.C.R. 11, 138; A.C.R. 12, 148; A.C.R. 13, 155; A.C.R. 14, 161; A.C.R. 22, 225; A.C.R. 23, 228; A.C.R. 25, 247; A.C.R. 27, 292; A.C.R. 30, 302; A.C.R. 32, 355; A.C.R. 33, 384; A.C.R. 35, 416; A.C.R. 36, 425; A.C.R. 39, 485; A.C.R. 40, 490; A.C.R. 41, 514; A.C.R. 42, 531; A.C.R. 44, 593; A.C.R. 52, 698; A.C.R. 53, 700; A.C.R. 54, 711; A.C.R. 60, 820; A.C.R. 61, 843; A.C.R. 65, 951; A.C.R. 66, 1004; A.C.R. 68, 1058; A.C.R. 69, 1059; A.C.R. 70, 1068; A.C.R. 72, 1132; A.C.R. 73, 1134; A.C.R. 76, 1379; A.C.R. 80, 1488; A.C.R. 81, 1575; A.C.R. 82, 1675; A.C.R. 83, 1677; A.C.R. 84, 1739.
Roll call vote requested on motion re A.B. 787, 1779.

BENNETT, RICK C., Assemblyman from Clark County, No. 16 District—
Bills introduced by, A.B. 4, 21; A.B. 90, 55; A.B. 91, 55; A.B. 92, 55; A.B. 141, 74; A.B. 144, 77; A.B. 148, 95; A.B. 149, 95; A.B. 150, 96; A.B. 151, 96; A.B. 152, 96; A.B. 153, 96; A.B. 154, 97; A.B. 165, 102; A.B. 170, 114; A.B. 176, 122; A.B. 187, 128; A.B. 195, 145; A.B. 199, 149; A.B. 200, 149; A.B. 201, 149; A.B. 202, 150; A.B. 203, 154; A.B. 205, 162; A.B. 207, 164; A.B. 243, 171; A.B. 244, 180; A.B. 288, 199; A.B. 298, 230; A.B. 307, 238; A.B. 312, 240; A.B. 313, 243; A.B. 337, 269; A.B. 341, 276; A.B. 343, 280; A.B. 357, 298; A.B. 358, 299; A.B. 359, 299; A.B. 378, 320; A.B. 379, 329; A.B. 385, 331; A.B. 421, 380; A.B. 423, 385; A.B. 426, 397; A.B. 427, 397; A.B. 428, 397; A.B. 433, 405; A.B. 440, 413; A.B. 445, 417; A.B. 449, 420; A.B. 451, 421; A.B. 452, 425; A.B. 455, 433; A.B. 457, 434; A.B. 462, 442; A.B. 473, 469; A.B. 474, 469; A.B. 496, 498; A.B. 506, 516; A.B. 508, 520; A.B. 509, 520; A.B. 514, 535; A.B. 523, 552; A.B. 529, 569; A.B. 531, 574; A.B. 534, 583; A.B. 547, 618; A.B. 558, 641; A.B. 559, 649; A.B. 568, 658; A.B. 579, 661; A.B. 586, 681; A.B. 589, 682; A.B.

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Bills introduced by—*Continued*
593, 687; A.B. 596, 688; A.B. 597, 692; A.B. 599, 692; A.B. 604, 701; A.B. 641, 756; A.B. 643, 761; A.B. 646, 787; A.B. 657, 792; A.B. 658, 793; A.B. 663, 823; A.B. 665, 823; A.B. 680, 855; A.B. 682, 864; A.B. 685, 871; A.B. 686, 871; A.B. 750, 1071; A.B. 751, 1126.
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Bills introduced by, A.B. 4, 21; A.B. 90, 55; A.B. 91, 55; A.B. 138, 73; A.B. 141, 74; A.B. 148, 95; A.B. 149, 95; A.B. 150, 96; A.B. 151, 96; A.B. 154, 97; A.B. 165, 102; A.B. 170, 114; A.B. 176, 122; A.B. 186, 127; A.B. 188, 130; A.B. 195, 145; A.B. 199, 149; A.B. 200, 149; A.B. 201, 149; A.B. 202, 150; A.B. 203, 154; A.B. 205, 162; A.B. 243, 171; A.B. 246, 180; A.B. 306, 233; A.B. 322, 255; A.B. 337, 269; A.B. 341, 276; A.B. 343, 280; A.B.

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Resolutions introduced by, A.J.R. 7, 69; A.J.R. 8, 73; A.J.R. 11, 94; A.J.R. 16, 180; A.J.R. 19, 198; A.J.R. 21, 254; A.J.R. 23, 272; A.J.R. 27, 462; A.J.R. 42, 1738; A.C.R. 2, 19; A.C.R. 7, 98; A.C.R. 11, 138; A.C.R. 12, 148; A.C.R. 13, 155; A.C.R. 14, 161; A.C.R. 22, 225; A.C.R. 23, 228; A.C.R. 25, 247; A.C.R. 27, 292; A.C.R. 30, 302; A.C.R. 32, 355; A.C.R. 35, 416; A.C.R. 36, 425; A.C.R. 40, 490; A.C.R. 41, 514; A.C.R. 44, 593; A.C.R. 52, 698; A.C.R. 54, 711; A.C.R. 60, 820; A.C.R. 61, 843; A.C.R. 65, 951; A.C.R. 66, 1004; A.C.R. 68, 1058; A.C.R. 69, 1059; A.C.R. 70, 1068; A.C.R. 72, 1132; A.C.R. 73, 1134; A.C.R. 76, 1379; A.C.R. 77, 1386; A.C.R. 80, 1488; A.C.R. 81, 1575; A.C.R. 82, 1675; A.C.R. 83, 1676; A.C.R. 84, 1739.
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Resolutions introduced by, A.J.R. 7, 69; A.J.R. 11, 94; A.J.R. 14, 154; A.J.R. 16, 180; A.J.R. 19, 199; A.J.R. 21, 254; A.J.R. 23, 272; A.J.R. 27, 462; A.J.R. 38, 955; A.C.R. 2, 19; A.C.R. 7, 98; A.C.R. 11, 138; A.C.R. 12, 148; A.C.R. 13, 155; A.C.R. 14, 161; A.C.R. 22, 225; A.C.R. 23, 228; A.C.R. 25, 247; A.C.R. 27, 292; A.C.R. 30, 302; A.C.R. 32, 355; A.C.R. 33, 384; A.C.R. 40, 490; A.C.R. 41, 514; A.C.R. 42, 531; A.C.R. 44, 593; A.C.R. 52, 698; A.C.R. 53, 700; A.C.R. 54, 711; A.C.R. 56, 733; A.C.R. 60, 820; A.C.R. 61, 843; A.C.R. 65, 951; A.C.R. 66, 1004; A.C.R. 68, 1058; A.C.R. 69, 1059; A.C.R. 70, 1068; A.C.R. 72, 1132; A.C.R. 73, 1134; A.C.R. 74, 1360; A.C.R. 76, 1379; A.C.R. 80, 1488; A.C.R. 81, 1575; A.C.R. 82, 1675; A.C.R. 83, 1677; A.C.R. 84, 1739.
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CHOWNING, VONNE, Assemblyman from Clark County, No. 28 District—
Bills introduced by, A.B. 4, 21; A.B. 90, 54; A.B. 91, 55; A.B. 92, 55; A.B. 138, 73; A.B. 141, 74; A.B. 148, 95; A.B. 149, 95; A.B. 150, 96; A.B. 151, 96; A.B. 152, 96; A.B. 153, 96; A.B. 154, 97; A.B. 165, 102; A.B. 176, 122; A.B. 186, 127; A.B. 187, 128; A.B. 188, 130; A.B. 195, 145; A.B. 199, 149; A.B. 200, 149; A.B. 201, 149; A.B. 202, 150; A.B. 203, 154; A.B. 205, 162; A.B. 207, 164; A.B. 244, 180; A.B. 246, 180; A.B. 290, 204; A.B. 307, 238; A.B. 313, 243; A.B. 322, 255; A.B. 337, 269; A.B. 341, 276; A.B. 343, 280; A.B. 356, 298; A.B. 357, 298; A.B. 359, 299; A.B. 372, 312; A.B. 374, 313; A.B. 378, 320; A.B. 379, 329; A.B. 382, 330; A.B. 405, 358; A.B. 421, 380; A.B. 423, 385; A.B. 426, 396; A.B. 427, 397; A.B. 433, 405; A.B. 439, 413; A.B. 440, 413; A.B. 445, 417; A.B. 448, 417; A.B. 449, 420; A.B. 450, 420; A.B. 451, 421; A.B. 452, 425; A.B. 455, 433; A.B. 456, 433; A.B. 457, 434; A.B. 462, 442; A.B. 468, 458; A.B. 471, 463; A.B. 473, 469; A.B. 474, 469; A.B. 496, 498; A.B. 506, 516; A.B. 508, 520; A.B. 512, 534; A.B. 514, 535; A.B. 529, 569; A.B. 531, 574; A.B. 534, 583; A.B. 539, 595; A.B. 547, 618; A.B. 548, 618; A.B. 557, 638; A.B. 558, 641; A.B. 559, 649; A.B. 568, 658; A.B. 577, 660; A.B. 578, 660; A.B. 579, 661; A.B. 586, 681; A.B. 587, 682; A.B. 588, 682; A.B. 589, 682; A.B. 593, 687; A.B. 596, 687; A.B. 597, 692; A.B. 601, 696; A.B. 605, 712; A.B. 615, 715; A.B. 641, 756; A.B. 643, 761; A.B. 646, 787; A.B. 657, 792; A.B. 658, 793; A.B. 663, 823; A.B. 668, 832; A.B. 669, 832; A.B. 680, 855; A.B. 682, 864; A.B. 684, 870; A.B. 685, 871; A.B. 686, 871; A.B. 718, 929; A.B. 723, 930; A.B. 739, 1006; A.B. 750, 1071; A.B. 751, 1126; A.B. 755, 1139.
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Resolutions introduced by, A.J.R. 7, 69; A.J.R. 8, 73; A.J.R. 11, 94; A.J.R. 14, 154; A.J.R. 16, 180; A.J.R. 19, 198; A.J.R. 23, 272; A.J.R. 27, 462; A.J.R. 38, 955; A.J.R. 42, 1738; A.C.R. 2, 19; A.C.R. 7,

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COLLINS, CLARENCE W., JR. (TOM), Assemblyman from Clark County, No. 1 District—
Bills introduced by, A.B. 4, 21; A.B. 90, 55; A.B. 91, 55; A.B. 138, 73; A.B. 141, 74; A.B. 144, 77; A.B. 148, 95; A.B. 149, 95; A.B. 150, 96; A.B. 153, 97; A.B. 154, 97; A.B. 165, 102; A.B. 170, 114; A.B. 172, 115; A.B. 176, 122; A.B. 186, 127; A.B. 188, 130; A.B. 189, 131; A.B. 190, 136; A.B. 195, 145; A.B. 199, 149; A.B. 200, 149; A.B. 201, 149; A.B. 202, 150; A.B. 203, 154; A.B. 205, 162; A.B. 207, 164; A.B. 208, 165; A.B. 244, 180; A.B. 246, 180; A.B. 298, 230; A.B. 306, 233; A.B. 307, 238; A.B. 312, 240; A.B. 313, 243; A.B. 322, 255; A.B. 337, 269; A.B. 341, 276; A.B. 343, 280; A.B. 357, 298; A.B. 358, 299; A.B. 359, 299; A.B. 374, 313; A.B. 378, 320; A.B. 379, 329; A.B. 381, 330; A.B. 382, 330; A.B. 385, 331; A.B. 405, 358; A.B. 419, 380; A.B. 421, 381; A.B. 423, 385; A.B. 426, 396; A.B. 427, 397; A.B. 428, 397; A.B. 433, 405; A.B. 439, 413; A.B. 440, 413; A.B. 445, 417; A.B. 449, 420; A.B. 450, 420; A.B. 451, 421; A.B. 452, 425; A.B. 455, 433; A.B. 456, 433; A.B. 457, 434; A.B. 462, 442; A.B. 468, 458; A.B. 473, 469; A.B. 474, 469; A.B. 476, 480; A.B. 496, 498; A.B. 506, 516; A.B. 508, 520; A.B. 514, 535; A.B. 526, 558; A.B. 529, 569; A.B. 534, 583; A.B. 535, 584; A.B. 539, 595; A.B. 542, 598; A.B. 546, 617; A.B. 547, 618; A.B. 548, 618; A.B. 559, 649; A.B. 579, 661; A.B. 586, 681; A.B. 593, 687; A.B. 596, 688; A.B. 597, 692; A.B. 601, 696; A.B. 604, 701; A.B. 641, 756; A.B. 643, 761; A.B. 657, 792; A.B. 658, 793; A.B. 663, 823; A.B. 668, 832; A.B. 669, 832; A.B. 682, 864; A.B. 684, 870; A.B. 685, 871; A.B. 723, 930; A.B. 733, 967; A.B. 750, 1071; A.B. 777, 1501; A.B. 791, 2015.
Committee Appointments—
Conference re S.B. 322, 2033.
Standing—
Education, 34.
Judiciary, 34.
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Moves—
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DINI, JOSEPH E., JR., Assemblyman from Lyon, Storey, Carson City (Part) Counties, No. 38 District—
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ERNAUT, PETER G. (PETE), Assemblyman from Carson City (Part), Washoe (Part) Counties, No. 37 District—
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Roll call vote requested on motion re A.B. 364, 1063; A.B. 786, 1707.

EVANS, JAN, Assemblyman from Washoe County, No. 30 District—
Bills introduced by, A.B. 4, 21; A.B. 90, 54; A.B. 91, 55; A.B. 92, 55; A.B. 138, 73; A.B. 141, 74; A.B. 148, 95; A.B. 149, 95; A.B. 150, 96; A.B. 151, 96; A.B. 152, 96; A.B. 153, 96; A.B. 154, 97; A.B. 176, 122; A.B. 186, 127; A.B. 187, 128; A.B. 188, 130; A.B. 195, 145; A.B. 199, 149; A.B. 200, 149; A.B. 201, 149; A.B. 202, 150; A.B. 203, 154; A.B. 205, 162; A.B. 207, 164; A.B. 244, 180; A.B. 246, 180; A.B. 288, 199; A.B. 290, 204; A.B. 307, 238; A.B. 313, 243; A.B. 337, 269; A.B. 341, 276; A.B. 343, 280; A.B. 357, 298; A.B. 358, 299; A.B. 359, 299; A.B. 371, 312; A.B. 372, 312; A.B. 374, 313; A.B. 379, 329; A.B. 381, 330; A.B. 382, 330; A.B. 385, 331; A.B. 405, 358; A.B. 421, 380; A.B. 423, 385; A.B. 426, 397; A.B. 427, 397; A.B. 440, 413; A.B. 445, 417; A.B. 448, 417; A.B. 449, 420; A.B. 450, 420; A.B. 451, 421; A.B. 452, 425; A.B. 462, 442; A.B. 471, 463; A.B. 473, 469; A.B. 494, 494; A.B. 496, 498; A.B. 506, 516; A.B. 508, 520; A.B. 523, 552; A.B. 528, 569; A.B. 529, 569; A.B. 531, 574; A.B. 534, 583; A.B. 539, 595; A.B. 542, 598; A.B. 548, 618; A.B. 557, 638; A.B. 558, 641; A.B. 559, 649; A.B. 568, 658; A.B. 578, 660; A.B. 579, 661; A.B. 586, 681; A.B. 596, 687; A.B. 597, 692; A.B. 601, 696; A.B. 604, 701; A.B. 605, 712; A.B. 615, 715; A.B. 641, 756; A.B. 643, 761; A.B. 646, 787; A.B. 657, 792; A.B. 658, 793; A.B. 663, 823; A.B. 668, 832; A.B. 669, 832; A.B. 680, 855; A.B. 682, 864; A.B. 685, 871; A.B. 686, 871; A.B. 718, 929; A.B. 750, 1071; A.B. 751, 1126; A.B. 755, 1139.
Committee Appointments—
Conference re A.B. 4, 2019; A.B. 435, 2011; A.B. 444, 1739; A.J.R. 11, 1882; A.C.R. 45, 2047; S.B. 238, 890; S.C.R. 17, 1423.
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Concur in Senate amendment(s) to A.B. 3, 814; A.B. 106, 1126; A.B. 193, 2045; A.B. 383, 1422; A.B. 432, 1795; A.J.R. 17, 677; A.C.R. 20, 694; A.C.R. 21, 612.
Do not concur in Senate amendment(s) to A.B. 444, 1615.
Do not recede from action on S.B. 61, 1647; S.B. 72, 757; S.B. 197, 694; S.C.R. 17, 1423.
Previous question re A.B. 393, 633; S.B. 294, 1501.
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Moves—*Continued*
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Resolutions introduced by, A.J.R. 7, 69; A.J.R. 8, 73; A.J.R. 11, 94; A.J.R. 14, 154; A.J.R. 16, 180; A.J.R. 19, 199; A.J.R. 23, 272; A.J.R. 27, 462; A.J.R. 38, 955; A.J.R. 42, 1738; A.C.R. 2, 19; A.C.R. 7, 98; A.C.R. 11, 138; A.C.R. 12, 148; A.C.R. 13, 155; A.C.R. 14, 161; A.C.R. 22, 225; A.C.R. 23, 228; A.C.R. 25, 247; A.C.R. 26, 289; A.C.R. 27, 292; A.C.R. 30, 302; A.C.R. 32, 355; A.C.R. 33, 384; A.C.R. 35, 416; A.C.R. 36, 425; A.C.R. 37, 458; A.C.R. 39, 485; A.C.R. 40, 490; A.C.R. 41, 514; A.C.R. 42, 531; A.C.R. 44, 593; A.C.R. 48, 641; A.C.R. 52, 698; A.C.R. 53, 700; A.C.R. 54, 711; A.C.R. 55, 722; A.C.R. 60, 820; A.C.R. 61, 843; A.C.R. 65, 951; A.C.R. 66, 1004; A.C.R. 67, 1015; A.C.R. 68, 1058; A.C.R. 69, 1059; A.C.R. 70, 1068; A.C.R. 72, 1132; A.C.R. 73, 1134; A.C.R. 80, 1488; A.C.R. 81, 1575; A.C.R. 82, 1675; A.C.R. 83, 1677; A.C.R. 84, 1739.

F

FREEMAN, VIVIAN L., Assemblyman from Washoe County, No. 24 District—
Absences, excused, 122, 744.
Bills introduced by, A.B. 4, 21; A.B. 90, 55; A.B. 138, 73; A.B. 141, 74; A.B. 144, 77; A.B. 148, 95; A.B. 149, 95; A.B. 150, 96; A.B. 151, 96; A.B. 152, 96; A.B. 153, 97; A.B. 154, 97; A.B. 170, 114; A.B. 176, 122; A.B. 186, 127; A.B. 187, 128; A.B. 195, 145; A.B. 199, 149; A.B. 200, 149; A.B. 201, 149; A.B. 202, 150; A.B. 203, 154; A.B. 205, 162; A.B. 207, 164; A.B. 244, 180; A.B. 246, 180; A.B. 288, 199; A.B. 341, 276; A.B. 343, 280; A.B. 358, 299; A.B. 359, 299; A.B. 374, 313; A.B. 379, 329; A.B. 381, 330; A.B. 385, 331; A.B. 405, 358; A.B. 421, 380; A.B. 422, 385; A.B. 423, 385; A.B. 426, 396; A.B. 427, 397; A.B. 440, 413; A.B. 445, 417; A.B. 449, 420; A.B. 450, 420; A.B. 452, 425; A.B. 456, 433; A.B. 457, 434; A.B. 462, 442; A.B. 468, 458; A.B. 473, 469; A.B. 475, 473; A.B. 495, 497; A.B. 496, 498; A.B. 506, 516; A.B. 529, 569; A.B. 534, 583; A.B. 539, 595; A.B. 547, 618; A.B. 558, 641; A.B. 559, 649; A.B. 568, 658; A.B. 577, 660; A.B. 578, 660; A.B. 579, 661; A.B. 583, 670; A.B. 589, 682; A.B. 596, 687; A.B. 601, 696; A.B. 604, 701; A.B. 641, 756; A.B. 643, 761; A.B. 646, 787; A.B. 657, 792; A.B. 663, 823; A.B. 664, 823; A.B. 680, 855; A.B. 682, 864; A.B. 685, 871; A.B. 686, 871; A.B. 690, 881; A.B. 718, 929; A.B. 750, 1071; A.J.R. 658, 793.
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Adopt report of conference committee re S.B. 61, 2033.
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Adoption of resolution(s), A.C.R. 4, 985; A.C.R. 37, 751; A.C.R. 53, 869; S.C.R. 22, 457; S.C.R. 28, 534; S.C.R. 49, 1711.
Concur in Senate amendment(s) to A.B. 116, 1453; A.B. 117, 742; A.B. 122, 1422; A.B. 123, 1421; A.B. 126, 599; A.B. 301, 1453; A.B. 624, 2008; A.B. 740, 2033.
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Resolutions introduced by, A.J.R. 7, 69; A.J.R. 8, 73; A.J.R. 11, 94; A.J.R. 14, 154; A.J.R. 16, 180; A.J.R. 23, 272; A.J.R. 27, 462; A.J.R. 42, 1738; A.C.R. 2, 19; A.C.R. 7, 98; A.C.R. 11, 138; A.C.R. 12, 148; A.C.R. 13, 155; A.C.R. 14, 161; A.C.R. 22, 225; A.C.R. 23, 228; A.C.R. 25, 247; A.C.R. 26, 289; A.C.R. 27, 292; A.C.R. 30, 302; A.C.R. 32, 355; A.C.R. 33, 384; A.C.R. 35, 416; A.C.R. 37, 458; A.C.R. 39, 485; A.C.R. 40, 490; A.C.R. 41, 514; A.C.R. 42, 531; A.C.R. 44, 593; A.C.R. 48, 641; A.C.R. 52, 698; A.C.R. 53, 700; A.C.R. 54, 711; A.C.R. 60, 820; A.C.R. 61, 843; A.C.R. 65, 951; A.C.R. 66, 1004; A.C.R. 67, 1015; A.C.R. 68, 1058; A.C.R. 69, 1059; A.C.R. 70, 1068; A.C.R. 72, 1132; A.C.R. 73, 1134; A.C.R. 76, 1379; A.C.R. 80, 1488; A.C.R. 81, 1575; A.C.R. 82, 1675; A.C.R. 83, 1677; A.C.R. 84, 1739.

G

GARNER, VAL Z., Assemblyman from Clark County, No. 14 District—
Bills introduced by, A.B. 4, 21; A.B. 90, 55; A.B. 91, 55; A.B. 92, 55; A.B. 138, 73; A.B. 141, 74; A.B. 144, 77; A.B. 148, 95; A.B. 149, 95; A.B. 150, 96; A.B. 152, 96; A.B. 153, 97; A.B. 154, 97; A.B. 165, 102; A.B. 170, 114; A.B. 187, 128; A.B. 190, 136; A.B. 195, 145; A.B. 200, 149; A.B. 202, 150; A.B. 203, 154; A.B. 205, 162; A.B. 207, 164; A.B. 243, 171; A.B. 244, 180; A.B. 290, 204; A.B. 322, 255; A.B. 329, 261; A.B. 330, 261; A.B. 337, 269; A.B. 341, 276; A.B. 343, 280; A.B. 357, 298; A.B. 358, 299; A.B. 359, 299; A.B. 369, 301; A.B. 372, 312; A.B.

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Committee Appointments—
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Concur in Senate amendment(s) to A.B. 8, 1650; A.B. 27, 1911; A.B. 90, 2020; A.B. 143, 1111; A.B. 198, 1126; A.B. 314, 1742; A.B. 355, 1887; A.B. 359, 1912; A.B. 376, 981; A.B. 414, 1889; A.B. 415, 2043; A.B. 543, 1706; A.B. 592, 2021; A.B. 593, 1912; A.B. 619, 2020; A.B. 692, 1653; A.B. 696, 2010; A.B. 706, 1959; A.B. 723, 2032; A.B. 755, 2031; A.J.R. 3, 842; A.C.R. 31, 798; A.C.R. 55, 1426.
Do not concur in Senate amendment(s) to A.B. 138, 1795; A.B. 468, 1794.

GARNER, VAL Z.—*Continued*
Moves—*Continued*
Do not recede from action on S.B. 19, 2014; S.B. 174, 2020.
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Resolutions introduced by, A.J.R. 8, 73; A.J.R. 11, 94; A.J.R. 14, 154; A.J.R. 16, 180; A.J.R. 19, 199; A.J.R. 23, 272; A.J.R. 27, 462; A.J.R. 42, 1738; A.C.R. 2, 19; A.C.R. 7, 98; A.C.R. 11, 138; A.C.R. 12, 148; A.C.R. 13, 155; A.C.R. 14, 161; A.C.R. 22, 225; A.C.R. 23, 228; A.C.R. 25, 247; A.C.R. 27, 292; A.C.R. 30, 302; A.C.R. 32, 355; A.C.R. 33, 384; A.C.R. 35, 416; A.C.R. 36, 425; A.C.R. 40, 490; A.C.R. 41, 514; A.C.R. 42, 531; A.C.R. 44, 593; A.C.R. 52, 698; A.C.R. 53, 700; A.C.R. 54, 711; A.C.R. 55, 722; A.C.R. 60, 820; A.C.R. 61, 843; A.C.R. 65, 951; A.C.R. 66, 1004; A.C.R. 67, 1015; A.C.R. 68, 1058; A.C.R. 69, 1059; A.C.R. 70, 1068; A.C.R. 72, 1132; A.C.R. 73, 1134; A.C.R. 80, 1488; A.C.R. 81, 1575; A.C.R. 82, 1675; A.C.R. 83, 1677; A.C.R. 84, 1739.

GIBBONS, JAMES A. (JIM), Assemblyman from Washoe County, No. 25 District—
Bills introduced by, A.B. 4, 21; A.B. 141, 74; A.B. 143, 77; A.B. 144, 77; A.B. 148, 95; A.B. 149, 95; A.B. 150, 96; A.B. 151, 96; A.B. 152, 96; A.B. 153, 96; A.B. 154, 97; A.B. 165, 102; A.B. 170, 114; A.B. 176, 122; A.B. 186, 127; A.B. 188, 130; A.B. 190, 136; A.B. 195, 145; A.B. 199, 149; A.B. 200, 149; A.B. 201, 149; A.B. 202, 150; A.B. 203, 154; A.B. 207, 164; A.B. 208, 165; A.B. 244, 180; A.B. 246, 180; A.B. 288, 199; A.B. 306, 233; A.B. 313, 243; A.B. 338, 273; A.B. 341, 276; A.B. 356, 298; A.B. 357, 298; A.B. 358, 299; A.B. 359, 299; A.B. 378, 320; A.B. 381, 330; A.B. 382, 330; A.B. 421, 381; A.B. 422, 385; A.B. 426, 397; A.B. 427, 397; A.B. 428, 397; A.B. 440, 413; A.B. 445, 417; A.B. 449, 420; A.B. 450, 420; A.B. 451, 421; A.B. 452, 425; A.B. 455, 433; A.B. 456, 433; A.B. 457, 434; A.B. 459, 441; A.B. 460, 441; A.B. 461, 441; A.B. 462, 442; A.B. 468, 458; A.B. 473, 469; A.B. 496, 498; A.B. 506, 516; A.B. 512, 534; A.B. 528, 569; A.B. 529, 569; A.B. 531, 574; A.B. 535, 584; A.B. 539, 595; A.B. 542, 598; A.B. 547, 618; A.B. 548, 618; A.B. 557, 638; A.B. 559, 649; A.B. 564, 650; A.B. 568, 658; A.B. 577, 660; A.B. 578, 660; A.B. 586, 681; A.B. 588, 682; A.B. 589, 682; A.B. 593, 687; A.B. 596, 688; A.B. 597, 692; A.B. 601, 696; A.B. 604, 701; A.B. 605, 712; A.B. 615, 715; A.B. 646, 787; A.B. 657, 792; A.B. 663, 823; A.B. 680, 855; A.B. 685, 871; A.B. 686, 871; A.B. 690, 881; A.B. 732, 967; A.B. 733, 967; A.B. 750, 1071; A.B. 751, 1126; A.B. 755, 1139.
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Adoption of resolution(s), A.C.R. 48, 641; S.C.R. 19, 372; S.C.R. 33, 617; S.C.R. 36, 658; S.C.R. 39, 870; S.C.R. 45, 1138.
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Suspend Rules, transmit immediately to the Senate, A.C.R. 48, 641.
Remarks from the floor re A.B. 253, 454, 455, 456; A.B. 364, 1061; A.B. 393, 643; A.C.R. 61, 844; A.C.R. 80, 1490; S.J.R. 3, 79; S.C.R. 19, 373; S.C.R. 29, 552; S.C.R. 33, 617; S.C.R. 45, 1138; S.C.R. 53, 1529.
Resolutions introduced by, A.J.R. 7, 69; A.J.R. 8, 73; A.J.R. 11, 94; A.J.R. 14, 154; A.J.R. 16, 180; A.J.R. 19, 198; A.J.R. 21, 254; A.J.R. 23, 272; A.J.R. 27, 462; A.J.R. 38, 955; A.J.R. 42, 1738; A.C.R. 2, 19; A.C.R. 7, 98; A.C.R. 11, 138; A.C.R. 12, 148; A.C.R. 13, 155; A.C.R. 14, 161; A.C.R. 22, 225; A.C.R. 23, 228; A.C.R. 25, 247; A.C.R. 26, 289; A.C.R. 27, 292; A.C.R. 30, 302; A.C.R. 32, 355; A.C.R. 33, 384; A.C.R. 35, 416; A.C.R. 36, 425; A.C.R. 37, 458; A.C.R. 40, 490; A.C.R. 41, 514; A.C.R. 42, 531; A.C.R. 44, 593; A.C.R. 48, 641; A.C.R. 52, 698; A.C.R. 53, 700; A.C.R. 54, 711; A.C.R. 56, 733; A.C.R. 60, 820; A.C.R. 61, 843; A.C.R. 65, 951; A.C.R. 66, 1004; A.C.R. 68, 1058; A.C.R. 69, 1059; A.C.R. 70, 1068; A.C.R. 72, 1132; A.C.R. 73, 1134; A.C.R. 74, 1360; A.C.R. 76, 1379; A.C.R. 80, 1488; A.C.R. 81, 1575; A.C.R. 82, 1675; A.C.R. 83, 1676; A.C.R. 84, 1739.

GIUNCHIGLIANI, CHRISTINA R. (CHRIS), Assemblyman from Clark County, No. 9 District—
Absences, excused, 880.
Bills introduced by, A.B. 4, 21; A.B. 90, 54; A.B. 91, 55; A.B. 92, 55; A.B. 138, 73; A.B. 141, 74; A.B. 144, 77; A.B. 148, 95; A.B. 149, 95; A.B. 150, 96; A.B. 151, 96; A.B. 152, 96; A.B. 153, 96; A.B. 154, 97; A.B. 165, 102; A.B. 170, 114; A.B. 176, 122; A.B. 186, 127; A.B. 187, 128; A.B. 195, 145; A.B. 199, 149; A.B. 200, 149; A.B. 202, 150; A.B. 203, 154; A.B. 205, 162; A.B. 207, 164; A.B. 243, 171; A.B. 244, 180; A.B. 288, 199; A.B. 298, 230; A.B. 307, 238; A.B. 312, 240; A.B. 322, 255; A.B. 329, 261; A.B. 330, 261; A.B. 337, 269; A.B. 341, 276; A.B. 343, 280; A.B. 356, 298; A.B. 357, 298; A.B. 358, 299; A.B. 359, 299; A.B. 372, 312; A.B. 374, 313; A.B. 378, 320; A.B. 379, 329; A.B. 381, 330; A.B. 382, 330; A.B. 385, 331; A.B. 405, 358; A.B. 421, 380; A.B. 423, 385; A.B. 426, 397; A.B. 428, 397; A.B. 433, 405; A.B. 439, 413; A.B. 445, 417; A.B. 449, 420; A.B. 450, 420; A.B. 451, 421; A.B. 452, 425; A.B. 455, 433; A.B. 456, 433; A.B. 457, 434; A.B. 462, 442; A.B. 471, 463; A.B. 473, 469; A.B. 474, 469; A.B. 475, 473; A.B. 496, 498; A.B. 506, 516; A.B. 508, 520; A.B. 509, 520; A.B. 514,

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Previous question re A.B. 787, 1779.
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HETTRICK, LYNN, Assemblyman from Douglas (Part), Carson City (Part) Counties, No. 39 District—
Absences, excused, 403.
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HUMKE, DAVID E., Assemblyman from Washoe County, No. 26 District—
Absences, excused, 744.
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Conference re S.B. 238, 890; S.J.R. 7, 1128.
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Moves—
Adoption of amendment(s) to A.B. 193, 1922; A.B. 235, 809.
Adoption of resolution(s), A.C.R. 66, 1005; S.C.R. 18, 357.
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Resolutions introduced by, A.J.R. 7, 69; A.J.R. 14, 154; A.J.R. 16, 180; A.J.R. 19, 198; A.J.R. 21, 254; A.J.R. 23, 272; A.J.R. 38, 955; A.J.R. 42, 1738; A.C.R. 2, 19; A.C.R. 7, 98; A.C.R. 11, 138; A.C.R. 13, 155; A.C.R. 14, 161; A.C.R. 22, 225; A.C.R. 23, 228; A.C.R. 25, 247; A.C.R. 27, 292; A.C.R. 30, 302; A.C.R. 32, 355; A.C.R. 33, 384; A.C.R. 35, 416; A.C.R. 39, 485; A.C.R. 41, 514; A.C.R. 42, 531; A.C.R. 44, 593; A.C.R. 48, 641; A.C.R. 52, 698; A.C.R. 53, 700; A.C.R. 54, 711; A.C.R. 60, 820; A.C.R. 61, 843; A.C.R. 65, 951; A.C.R. 66, 1004; A.C.R. 68, 1058; A.C.R. 69, 1059; A.C.R. 70, 1068; A.C.R. 72, 1132; A.C.R. 73, 1134; A.C.R. 74, 1360; A.C.R. 80, 1488; A.C.R. 81, 1575; A.C.R. 82, 1675; A.C.R. 83, 1677; A.C.R. 84, 1739.
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J

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K

KENNY, ERIN, Assemblyman from Clark County, No. 4 District—
Absences, excused, 843.
Bills introduced by, A.B. 4, 21; A.B. 138, 73; A.B. 141, 74; A.B. 148, 95; A.B. 149, 95; A.B. 150, 96; A.B. 151, 96; A.B. 152, 96; A.B. 153, 96; A.B. 154, 97; A.B. 165, 102; A.B. 170, 114; A.B. 176, 122; A.B. 186, 127; A.B. 187, 128; A.B. 190, 136; A.B. 195, 145; A.B. 199, 149; A.B. 200, 149; A.B. 201, 149; A.B. 202, 150; A.B. 203, 154; A.B. 205, 162; A.B. 207, 164; A.B. 243, 171; A.B. 244, 180; A.B. 246, 180; A.B. 307, 238; A.B. 312, 240; A.B. 322, 255; A.B. 337, 269; A.B. 341, 276; A.B. 343, 280; A.B. 356, 298; A.B. 357, 298; A.B. 358, 299; A.B. 359, 299; A.B. 379, 329; A.B. 381, 330; A.B. 385, 331; A.B. 405, 358; A.B. 421, 381; A.B. 423, 385; A.B. 426, 397; A.B. 427, 397; A.B.

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Conference re A.B. 148, 1457.
Standing—
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Labor and Management, 34.
Moves—
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O

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P

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Special, Review status of Conference Committees, 1111.
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Conflict of Interest re A.B. 593, 904.
Moves—
Adoption of amendment(s) to A.B. 558, 1654; A.B. 578, 1116.
Adoption of resolution(s), S.C.R. 31, 570.
Remarks from the floor re A.B. 393, 643; A.B. 780, 1803; A.C.R. 25, 251; S.B. 294, 1500; S.C.R. 3, 120.
Resolutions introduced by, A.J.R. 7, 69; A.J.R. 8, 73; A.J.R. 14, 154; A.J.R. 16, 180; A.J.R. 19, 198; A.J.R. 23, 272; A.J.R. 27, 462; A.J.R. 42, 1738; A.C.R. 2, 19; A.C.R. 7, 98; A.C.R. 11, 138; A.C.R. 12, 148; A.C.R. 13, 155; A.C.R. 14, 161; A.C.R. 22, 225; A.C.R. 23, 228; A.C.R. 25, 247; A.C.R. 26, 289; A.C.R. 27, 292; A.C.R. 30, 302; A.C.R. 32, 355; A.C.R. 33, 384; A.C.R. 35, 416; A.C.R. 36, 425; A.C.R. 39, 485; A.C.R. 40, 490; A.C.R. 41, 514; A.C.R. 42, 531; A.C.R. 44, 593; A.C.R. 52, 698; A.C.R. 53, 700; A.C.R. 54, 711; A.C.R. 55, 722; A.C.R. 60, 820; A.C.R. 61, 843; A.C.R. 65, 951; A.C.R. 66, 1004; A.C.R. 68, 1058; A.C.R. 69, 1059; A.C.R. 70, 1068; A.C.R. 72, 1132;

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PETRAK, WILLIAM A., Assemblyman from Clark County, No. 18 District—
Bills introduced by, A.B. 4, 21; A.B. 90, 55; A.B. 91, 55; A.B. 92, 55; A.B. 141, 74; A.B. 148, 95; A.B. 149, 95; A.B. 150, 96; A.B. 151, 96; A.B. 152, 96; A.B. 153, 97; A.B. 154, 97; A.B. 165, 102; A.B. 170, 114; A.B. 176, 122; A.B. 187, 128; A.B. 190, 136; A.B. 195, 145; A.B. 199, 149; A.B. 200, 149; A.B. 202, 150; A.B. 203, 154; A.B. 205, 162; A.B. 207, 164; A.B. 244, 180; A.B. 246, 180; A.B. 288, 199; A.B. 290, 204; A.B. 298, 230; A.B. 306, 233; A.B. 307, 238; A.B. 312, 240; A.B. 322, 255; A.B. 337, 269; A.B. 341, 276; A.B. 343, 280; A.B. 356, 298; A.B. 357, 298; A.B. 358, 299; A.B. 359, 299; A.B. 372, 312; A.B. 374, 313; A.B. 378, 320; A.B. 379, 329; A.B. 381, 330; A.B. 382, 330; A.B. 385, 331; A.B. 405, 358; A.B. 421, 380; A.B. 423, 385; A.B. 426, 396; A.B. 427, 397; A.B. 428, 397; A.B. 433, 405; A.B. 439, 413; A.B. 440, 413; A.B. 445, 417; A.B. 448, 417; A.B. 449, 420; A.B. 450, 420; A.B. 451, 421; A.B. 452, 425; A.B. 455, 433; A.B. 456, 433; A.B. 457, 434; A.B. 462, 442; A.B. 468, 458; A.B. 471, 463; A.B. 473, 469; A.B. 474, 469; A.B. 494, 494; A.B. 496, 498; A.B. 506, 516; A.B. 508, 520; A.B. 509, 520; A.B. 514, 535; A.B. 526, 558; A.B. 528, 569; A.B. 529, 569; A.B. 531, 574; A.B. 534, 583; A.B. 539, 595; A.B. 542, 598; A.B. 546, 617; A.B. 547, 618; A.B. 548, 618; A.B. 558, 641; A.B. 559, 649; A.B. 577, 660; A.B. 578, 660; A.B. 579, 661; A.B. 586, 681; A.B. 587, 682; A.B. 588, 682; A.B. 589, 682; A.B. 593, 687; A.B. 596, 687; A.B. 597, 692; A.B. 601, 696; A.B. 604, 701; A.B. 605, 712; A.B. 615, 715; A.B. 631, 737; A.B. 641, 756; A.B. 643, 761; A.B. 646, 787; A.B. 657, 792; A.B. 658, 793; A.B. 663, 823; A.B. 668, 832; A.B. 669, 832; A.B. 680, 855; A.B. 682, 864; A.B. 685, 871; A.B. 686, 871; A.B. 723, 930; A.B. 733, 967; A.B. 739, 1006; A.B. 750, 1071; A.B. 751, 1126; A.B. 755, 1139.
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Health and Human Services, 34.
Judiciary, 34.
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Adoption of resolution(s), A.C.R. 12, 594; S.C.R. 17, 1015.
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POINT OF ORDER—
Speaker of Assembly rules re disorderly use of words, 648; A.B. 193, 1924; A.B. 374, 739; S.B. 571, 1869.

PORTER, GENE T., Assemblyman from Clark County, No. 8 District—
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Committee Appointments—
Conference re A.B. 68, 544; A.B. 73, 1802; A.B. 199, 851; A.B. 722, 1809; A.J.R. 11, 1882; S.B. 75, 584; S.B. 298, 2014; S.B. 321, 851.
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Governor Miller, 80.
Speaker of Assembly, 3.
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Committee on Credentials, 7.
Committee on Government Reorganization, 124.
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Inform Senate Assembly organized, 6.
Standing—
Commerce (chairman), 34.
Elections and Procedures, 34.
Judiciary (vice chairman), 34.
Temporary Committee on Elections and Procedures, 2.
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Majority Floor Leader, designation as, 34.
Moves—
Adopt report of conference committee re A.B. 722, 1838; A.J.R. 11, 2026; S.B. 321, 1420.

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Moves—*Continued*
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Committee of the Whole, resolve into A.B. 782, 1621.
Committee of the Whole, rise A.B. 782, 1621.
Concur in Senate amendment(s) to A.B. 161, 1844; A.B. 235, 1395; A.B. 262, 1669; A.B. 300, 1670; A.B. 358, 1957; A.B. 485, 1615; A.B. 569, 1957; A.B. 669, 1958; A.B. 746, 1914; A.B. 756, 1915.
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Resolutions introduced by, A.J.R. 7, 69; A.J.R. 8, 73; A.J.R. 11, 94; A.J.R. 14, 154; A.J.R. 16, 180; A.J.R. 19, 199; A.J.R. 23, 272; A.J.R. 27, 462; A.J.R. 38, 955; A.J.R. 42, 1738; A.C.R. 2, 19; A.C.R. 7, 98; A.C.R. 11, 138; A.C.R. 12, 148; A.C.R. 13, 155; A.C.R. 14, 161; A.C.R. 22, 225; A.C.R. 25, 247; A.C.R. 26, 289; A.C.R. 27, 292; A.C.R. 30, 302; A.C.R. 32, 355; A.C.R. 33, 384; A.C.R. 35, 416; A.C.R. 36, 425; A.C.R. 39, 485; A.C.R. 40, 490; A.C.R. 41, 514; A.C.R. 42, 531; A.C.R. 44, 593; A.C.R. 52, 698; A.C.R. 53, 700; A.C.R. 54, 711; A.C.R. 55, 722; A.C.R. 60, 820; A.C.R. 61, 843; A.C.R. 65, 951; A.C.R. 66, 1004; A.C.R. 67, 1015; A.C.R. 68, 1058; A.C.R. 69, 1059; A.C.R. 70, 1068; A.C.R. 72, 1132; A.C.R. 73, 1134; A.C.R. 76, 1379; A.C.R. 80, 1488; A.C.R. 81, 1575; A.C.R. 82, 1675; A.C.R. 83, 1677; A.C.R. 84, 1739.
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Price re Assemblyman Wendell Williams, recipient of Trenholm Award, 1823; Mr. John Crossley, Director, Legislative Counsel Bureau, 2046; A.B. 199, 435; A.B. 253, 454; A.B. 393, 645; A.B. 779, 1927; A.B. 787, 1776, 1778; vetoed A.B. 130 of the 66th Session, 107; A.C.R. 25, 249; A.C.R. 32, 356; A.C.R. 65, 952; A.C.R. 72, 1134; A.C.R. 80, 1491; A.C.R. 81, 1577; A.C.R. 82, 1676; S.B. 231; 1414; S.B. 294, 1499; S.B. 316, 1367; S.C.R. 26, 491; S.C.R. 38, 815; S.C.R. 40, 907; S.C.R. 42, 966; S.C.R. 53, 1530.

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Concur in Senate amendment(s) to A.B. 6, 302; A.B. 52, 414; A.B. 59, 696; A.B. 63, 863; A.B. 65, 414; A.B. 71, 797; A.B. 79, 695; A.B. 80, 1112; A.B. 87, 796; A.B. 144, 695; A.B. 175, 1465; A.B. 209, 1467; A.B. 227, 696; A.B. 230, 797; A.B. 348, 797; A.B. 349, 1649; A.B. 361, 983; A.B. 387, 1523; A.B. 389, 1703; A.B. 393, 1470; A.B. 435, 1793; A.B. 462, 1423; A.B. 465, 1471; A.B. 481, 1704; A.B. 494, 1915; A.B. 499, 1703; A.B. 520, 1917; A.B. 575, 2018; A.B. 576, 1472; A.B. 611, 1703; A.B. 612, 1921; A.B. 614, 1794; A.B. 654, 1650; A.B. 687, 2009; A.B. 780, 2044; A.B. 785, 1963.
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Rescind action on A.B. 522, 961; S.B. 291, 741.
Suspend Rules, transmit immediately to the Senate, A.C.R. 64, 931.
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Roll call vote requested on motion re A.B. 786, 1707.
Withdraws motion re A.B. 361, 983.

SCHERER, SCOTT, Assemblyman from Clark County, No. 2 District—
Absences, excused, 73, 104, 325, 333, 403, 497, 655, 819, 831, 843, 1410.
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Conflict of Interest re A.B. 230, 475; A.B. 470, 608, 637; A.B. 786, 1707, 1870; S.B. 242, 753.
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Adoption of amendment(s) to A.B. 60, 399; A.B. 70, 138; A.B. 193, 1886; A.B. 196, 896; A.B. 311, 1656; A.B. 455, 1566; A.B. 457, 1635; A.B. 552, 1750; A.B. 556, 1611; A.B. 719, 1172; A.B. 744, 1364; A.J.R. 6, 1755; S.B. 157, 653; S.B. 246, 972; S.B. 247, 1856; S.B. 399, 1768; S.B. 466, 1147; S.B. 477, 1733.
Previous question re S.B. 437, 1378.
Remarks from the floor re A.B. 187, 989, 990; A.B. 364, 1061; A.B. 393, 647; S.B. 213, 1863; S.B. 466, 1147, 1149, 1155.
Resolutions introduced by, A.J.R. 7, 69; A.J.R. 11, 94; A.J.R. 14, 154; A.J.R. 16, 180; A.J.R. 19, 198; A.J.R. 21, 254; A.J.R. 23, 272; A.J.R. 38, 955; A.J.R. 42, 1738; A.C.R. 2, 19; A.C.R. 7, 98; A.C.R. 11, 138; A.C.R. 12, 148; A.C.R. 13, 155; A.C.R. 14, 161; A.C.R. 22, 225; A.C.R. 23, 228; A.C.R. 25, 247; A.C.R. 27, 292; A.C.R. 30, 302; A.C.R. 32, 355; A.C.R. 33, 384; A.C.R. 35, 416; A.C.R. 40, 490; A.C.R. 41, 514; A.C.R. 42, 531; A.C.R. 44, 593; A.C.R. 52, 698; A.C.R. 53, 700; A.C.R. 54, 711; A.C.R. 60, 820; A.C.R. 61, 843; A.C.R. 65, 951; A.C.R. 66, 1004; A.C.R. 68, 1058; A.C.R. 69, 1059; A.C.R. 70, 1068; A.C.R. 72, 1132; A.C.R. 73, 1134; A.C.R. 74, 1360; A.C.R. 80, 1488; A.C.R. 81, 1575; A.C.R. 82, 1675; A.C.R. 83, 1677; A.C.R. 84, 1739.
Roll call vote requested on motion re A.B. 193, 2045; S.B. 466, 1151.

SCHNEIDER, MICHAEL A. (MIKE), Assemblyman from Clark County, No. 42 District—
Absences, excused, 153.
Bills introduced by, A.B. 4, 21; A.B. 138, 73; A.B. 141, 74; A.B. 144, 77; A.B. 149, 95; A.B. 150, 96; A.B. 151, 96; A.B. 152, 96; A.B. 153, 97; A.B. 165, 102; A.B. 170, 114; A.B. 176, 122; A.B. 186, 127; A.B. 188, 130; A.B. 195, 145; A.B. 199, 149; A.B. 200, 149; A.B. 201, 149; A.B. 202, 150; A.B. 203, 154; A.B. 205, 162; A.B. 207, 164; A.B. 244, 180; A.B. 298, 230; A.B. 306, 233; A.B. 312, 240; A.B. 313, 243; A.B. 322, 255; A.B. 337, 269; A.B. 341, 276; A.B. 356, 298; A.B. 357, 298; A.B. 358, 299; A.B. 359, 299; A.B. 378, 320; A.B. 379, 329; A.B. 405, 358; A.B. 421, 381; A.B. 423, 385; A.B. 426, 397; A.B. 427, 397; A.B. 433, 405; A.B. 445, 417; A.B. 449, 420; A.B. 450, 420; A.B. 451, 421; A.B. 452, 425; A.B. 455, 433; A.B. 456, 433; A.B. 457, 434; A.B. 462, 442; A.B. 468, 458; A.B. 471, 463; A.B. 473, 469; A.B. 474, 469; A.B. 494, 494; A.B. 496, 498; A.B. 506, 516; A.B. 508, 520; A.B. 514, 535; A.B. 529, 569; A.B. 542, 598; A.B. 548, 618; A.B. 559, 649; A.B. 564, 650; A.B. 577, 660; A.B. 578, 660; A.B. 586, 681; A.B. 587, 682; A.B. 588, 682; A.B. 593, 687; A.B. 596, 688; A.B. 597, 692; A.B. 601, 696; A.B. 604, 701; A.B. 641, 756; A.B. 643, 761; A.B. 646, 787; A.B. 657, 792; A.B. 658, 793; A.B. 663, 823; A.B. 668, 832; A.B. 669, 832; A.B. 680, 855; A.B. 685, 871; A.B. 686, 871; A.B. 723, 930; A.B. 739, 1006; A.B. 750, 1071; A.B. 751, 1126; A.B. 755, 1139.
Committee Appointments—
Conference re S.B. 10, 1465; S.B. 79, 1649.
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Education, 34.
Judiciary, 124, 201.
Labor and Management, 34.
Natural Resources, Agriculture and Mining, 34.
Taxation, 34.
Conflict of Interest re S.B. 322, 1928.
Moves—
Adoption of resolution(s), S.C.R. 21, 420.
Previous question re S.B. 511, 1932.
Remarks from the floor re A.B. 187, 989, 991; S.C.R. 38, 316.
Resolutions introduced by, A.J.R. 7, 69; A.J.R. 8, 73; A.J.R. 14, 154; A.J.R. 16, 180; A.J.R. 19, 198; A.J.R. 21, 254; A.J.R. 23, 272; A.J.R. 27, 462; A.J.R. 42, 1738; A.J.R. 68, 955; A.C.R. 2, 19; A.C.R. 7, 98; A.C.R. 11, 138; A.C.R. 12, 148; A.C.R. 13, 155; A.C.R. 14, 161; A.C.R. 22, 225; A.C.R. 23, 228; A.C.R. 25, 247; A.C.R. 26, 289; A.C.R. 27, 292; A.C.R. 30, 302; A.C.R. 32, 355; A.C.R. 33, 384; A.C.R. 35, 416; A.C.R. 36, 425; A.C.R. 40, 490; A.C.R. 41, 514; A.C.R. 42, 531; A.C.R. 44, 593; A.C.R. 52, 698; A.C.R. 53, 700; A.C.R. 54, 711; A.C.R. 60, 820; A.C.R. 65, 951; A.C.R. 66, 1004; A.C.R. 68, 1058; A.C.R. 69, 1059; A.C.R. 70, 1068; A.C.R. 72, 1132; A.C.R. 73, 1134; A.C.R. 76, 1379; A.C.R. 80, 1488; A.C.R. 81, 1575; A.C.R. 82, 1675; A.C.R. 83, 1676; A.C.R. 84, 1739.

SECRETARY OF STATE—
Appoints committee—
Escort—
Chief Justice Rose, 2.
Speaker of Assembly, 3.

SECRETARY OF STATE—*Continued*
Appoints committee—*Continued*
Temporary Committee on Elections and Procedures, 2.
Calls Assembly to order, 1.
Escort committee appointed for, 3.
Resolutions of the 66th Session returned, 7.
Temporary Chief Clerk of the Assembly, requests Mouryne B. Landing to serve as, 2.
Vetoed bills of the 66th Session, returned, 7.
Vote of thanks extended to, 3.

SEGERBLOM, GENE W., Assemblyman from Clark County, No. 22, District—
Bills introduced by, A.B. 4, 21; A.B. 90, 55; A.B. 91, 55; A.B. 92, 55; A.B. 138, 73; A.B. 141, 74; A.B. 144, 77; A.B. 146, 78; A.B. 148, 95; A.B. 149, 95; A.B. 150, 96; A.B. 151, 96; A.B. 152, 96; A.B. 153, 96; A.B. 154, 97; A.B. 170, 114; A.B. 176, 122; A.B. 186, 127; A.B. 187, 128; A.B. 190, 136; A.B. 195, 145; A.B. 199, 149; A.B. 200, 149; A.B. 201, 149; A.B. 202, 150; A.B. 203, 154; A.B. 205, 162; A.B. 207, 164; A.B. 208, 165; A.B. 244, 180; A.B. 246, 180; A.B. 298, 230; A.B. 306, 233; A.B. 307, 238; A.B. 312, 240; A.B. 313, 243; A.B. 322, 255; A.B. 337, 269; A.B. 341, 276; A.B. 343, 280; A.B. 356, 298; A.B. 357, 298; A.B. 358, 299; A.B. 359, 299; A.B. 374, 313; A.B. 378, 320; A.B. 379, 329; A.B. 381, 330; A.B. 382, 330; A.B. 405, 358; A.B. 421, 381; A.B. 423, 385; A.B. 426, 396; A.B. 427, 397; A.B. 433, 405; A.B. 439, 413; A.B. 440, 413; A.B. 445, 417; A.B. 449, 420; A.B. 450, 420; A.B. 451, 421; A.B. 452, 425; A.B. 455, 433; A.B. 456, 433; A.B. 457, 434; A.B. 462, 442; A.B. 471, 463; A.B. 473, 469; A.B. 474, 469; A.B. 475, 473; A.B. 494, 494; A.B. 496, 498; A.B. 506, 516; A.B. 508, 520; A.B. 509, 520; A.B. 514, 535; A.B. 528, 569; A.B. 529, 569; A.B. 530, 570; A.B. 534, 583; A.B. 535, 584; A.B. 539, 595; A.B. 546, 617; A.B. 547, 618; A.B. 548, 618; A.B. 558, 641; A.B. 559, 649; A.B. 564, 650; A.B. 577, 660; A.B. 579, 661; A.B. 586, 681; A.B. 588, 682; A.B. 589, 682; A.B. 593, 687; A.B. 596, 688; A.B. 601, 696; A.B. 604, 701; A.B. 605, 712; A.B. 615, 715; A.B. 631, 737; A.B. 633, 745; A.B. 641, 756; A.B. 643, 761; A.B. 646, 787; A.B. 657, 792; A.B. 658, 793; A.B. 663, 823; A.B. 668, 832; A.B. 669, 832; A.B. 680, 855; A.B. 682, 864; A.B. 684, 870; A.B. 685, 871; A.B. 686, 871; A.B. 750, 1071; A.B. 751, 1126; A.B. 755, 1139; A.B. 791, 2015.
Committee Appointments—
Conference re A.B. 138, 1909.
Special, inform Governor Assembly ready to adjourn *sine die*, 2051.
Standing—
Education, 34.
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Health and Human Services, 34.
Moves—
Adoption of amendment(s) to A.B. 339, 663, 684; A.B. 706, 1109; A.J.R. 17, 378.
Remarks from the floor re S.C.R. 38, 816.
Resolutions introduced by, A.J.R. 7, 69; A.J.R. 8, 73; A.J.R. 11, 94; A.J.R. 14, 154; A.J.R. 16, 180; A.J.R. 19, 198; A.J.R. 21, 254; A.J.R. 23, 272; A.J.R. 27, 462; A.J.R. 38, 955; A.J.R. 42, 1738; A.C.R. 2,

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SENATE—
Informed Assembly organized, 6.
Informed Assembly ready to adjourn *sine die*, 2051.
Informs Assembly Senate organized, 6.
Informs Assembly Senate ready to adjourn *sine die*, 2051.
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SMITH, STEPHANIE, Assemblyman from Clark County, No. 20 District—
Bills introduced by, A.B. 4, 21; A.B. 90, 55; A.B. 91, 55; A.B. 92, 55; A.B. 138, 73; A.B. 141, 74; A.B. 148, 95; A.B. 149, 95; A.B. 150, 96; A.B. 152, 96; A.B. 153, 97; A.B. 154, 97; A.B. 160, 101; A.B. 165, 102; A.B. 170, 114; A.B. 186, 127; A.B. 187, 128; A.B. 190, 136; A.B. 195, 145; A.B. 199, 149; A.B. 200, 149; A.B. 202, 150; A.B. 203, 154; A.B. 205, 162; A.B. 207, 164; A.B. 244, 180; A.B. 246, 180; A.B. 288, 199; A.B. 306, 233; A.B. 307, 238; A.B. 312, 240; A.B. 337, 269; A.B. 341, 276; A.B. 343, 280; A.B. 357, 298; A.B. 358, 299; A.B. 359, 299; A.B. 374, 313; A.B. 378, 320; A.B. 379, 329; A.B. 381, 330; A.B. 382, 330; A.B. 385, 331; A.B. 405, 358; A.B. 421, 380; A.B. 423, 385; A.B. 426, 396; A.B. 427, 397; A.B. 433, 405; A.B. 439, 413; A.B. 445, 417; A.B. 449, 420; A.B. 450, 420; A.B. 451, 421; A.B. 452, 425; A.B. 455, 433; A.B. 456, 433; A.B. 462, 442; A.B. 468, 458; A.B. 473, 469; A.B. 474, 469; A.B. 494, 494; A.B. 496, 498; A.B. 506, 516; A.B. 509, 520; A.B. 514, 535; A.B. 528, 569; A.B. 529, 569; A.B. 531, 574; A.B. 534, 583; A.B. 535, 584; A.B. 539, 595; A.B. 547, 618; A.B. 548, 618; A.B. 558, 641; A.B. 559, 649; A.B. 568, 658; A.B. 577, 660; A.B. 579, 661; A.B. 586, 681; A.B. 588, 682; A.B. 589, 682; A.B. 596, 687; A.B. 597, 692; A.B. 604, 701; A.B. 605, 712; A.B. 615, 715; A.B. 633, 745; A.B. 641, 756; A.B.

SMITH, STEPHANIE—*Continued*
Bills introduced by—*Continued*
643, 761; A.B. 646, 787; A.B. 658, 793; A.B. 663, 823; A.B. 668, 832; A.B. 669, 832; A.B. 680, 855; A.B. 682, 864; A.B. 684, 870; A.B. 685, 871; A.B. 686, 871; A.B. 718, 929; A.B. 723, 930; A.B. 733, 967; A.B. 750, 1071; A.B. 751, 1126; A.B. 791, 2015.
Committee Appointments—
Conference re A.B. 68, 569; A.B. 244, 1882; A.B. 361, 1645; A.B. 435, 2011; S.B. 61, 2033.
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Natural Resources, Agriculture and Mining, 34.
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Moves—
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Adoption of resolution(s), A.C.R. 20, 367.
Remarks from the floor re A.B. 154, 326; A.B. 199, 436; A.B. 364, 1062; A.B. 393, 645; A.B. 692, 995; A.C.R. 77, 1388; S.B. 231, 1414; S.B. 511, 1929.
Resolutions introduced by, A.J.R. 7, 69; A.J.R. 8, 73; A.J.R. 11, 94; A.J.R. 14, 154; A.J.R. 16, 180; A.J.R. 19, 198; A.J.R. 23, 272; A.J.R. 27, 462; A.J.R. 38, 955; A.J.R. 41, 1493; A.J.R. 42, 1738; A.C.R. 2, 19; A.C.R. 7, 98; A.C.R. 11, 138; A.C.R. 12, 148; A.C.R. 13, 155; A.C.R. 14, 161; A.C.R. 22, 225; A.C.R. 23, 228; A.C.R. 25, 247; A.C.R. 26, 289; A.C.R. 27, 292; A.C.R. 30, 302; A.C.R. 32, 355; A.C.R. 33, 384; A.C.R. 35, 416; A.C.R. 36, 425; A.C.R. 37, 458; A.C.R. 39, 485; A.C.R. 40, 490; A.C.R. 41, 514; A.C.R. 42, 531; A.C.R. 44, 593; A.C.R. 52, 698; A.C.R. 53, 700; A.C.R. 54, 711; A.C.R. 60, 820; A.C.R. 61, 843; A.C.R. 65, 951; A.C.R. 66, 1004; A.C.R. 67, 1015; A.C.R. 68, 1058; A.C.R. 69, 1059; A.C.R. 70, 1068; A.C.R. 72, 1132; A.C.R. 73, 1134; A.C.R. 76, 1379; A.C.R. 80, 1488; A.C.R. 81, 1575; A.C.R. 82, 1675; A.C.R. 83, 1677; A.C.R. 84, 1739.

SPEAKER OF ASSEMBLY—*See Dini, Joseph E. Jr.*—

SPEAKER PRO TEMPORE OF ASSEMBLY—*See Williams, Myrna T.*—

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Governor's message, 106.
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Veto sustained, 110.
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Governor's message, 110.
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Motion, 8.
Veto sustained, 113.

SPITLER, LARRY L., Assemblyman from Clark County, No. 41 District—
Bills introduced by, A.B. 4, 21; A.B. 90, 54; A.B. 91, 55; A.B. 92, 55; A.B. 141, 74; A.B. 148, 95; A.B. 149, 95; A.B. 150, 96; A.B. 152, 96; A.B. 153, 97; A.B. 154, 97; A.B. 170, 114; A.B. 176, 122; A.B. 195, 145; A.B. 199, 149; A.B. 200, 149; A.B. 202, 150; A.B. 203, 154; A.B. 205, 162; A.B. 207, 164; A.B. 244, 180; A.B. 295, 227; A.B. 298, 230; A.B. 307, 238; A.B. 312, 240; A.B. 313, 243; A.B. 329, 261; A.B. 330, 261; A.B. 341, 276; A.B. 357, 298; A.B. 358, 299; A.B. 359, 299; A.B. 372, 312; A.B. 378, 320; A.B. 405, 358; A.B. 421, 380; A.B. 423, 385; A.B. 426, 397; A.B. 433, 405; A.B. 440, 413; A.B. 444, 416; A.B. 445, 417; A.B. 448, 417; A.B. 449, 420; A.B. 450, 420; A.B. 451, 421; A.B. 452, 425; A.B. 455, 433; A.B. 456, 433; A.B. 457, 434; A.B. 473, 469; A.B. 478, 485; A.B. 496, 498; A.B. 512, 534; A.B. 514, 535; A.B. 523, 552; A.B. 529, 569; A.B. 531, 574; A.B. 534, 583; A.B. 539, 595; A.B. 547, 618; A.B. 548, 618; A.B. 557, 638; A.B. 559, 649; A.B. 586, 681; A.B. 587, 682; A.B. 593, 687; A.B. 596, 688; A.B. 605, 712; A.B. 615, 715; A.B. 631, 737; A.B. 641, 756; A.B. 643, 761; A.B. 646, 787; A.B. 657, 792; A.B. 658, 793; A.B. 663, 823; A.B. 680, 855; A.B. 685, 871; A.B. 686, 871; A.B. 723, 930; A.B. 750, 1071.
Committee Appointments—
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Standing—
Taxation, 34.
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Ways and Means (vice chairman), 34.
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Moves—
Adopt report of conference committee re A.B. 379, 1814.
Adoption of amendment(s) to A.B. 156, 314; A.B. 207, 1010; A.B. 311, 1773; A.B. 406, 1050; A.B. 500, 1141; A.B. 565, 1162; A.B. 609, 1056; A.B. 645, 1642; A.B. 647, 1507; A.B. 648, 1390; A.B. 726, 1521; A.B. 727, 1690; S.B. 262, 1170; S.B. 306, 693; S.B. 415, 1859; S.B. 473, 1782.
Concur in Senate amendment(s) to A.B. 156, 611; A.B. 157, 2004; A.B. 176, 1911; A.B. 229, 1843; A.B. 680, 1928; A.B. 766, 2019.
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Resolutions introduced by, A.J.R. 7, 69; A.J.R. 8, 73; A.J.R. 14, 154; A.J.R. 16, 180; A.J.R. 19, 199; A.J.R. 23, 272; A.J.R. 27, 462; A.J.R. 42, 1738; A.C.R. 2, 19; A.C.R. 7, 98; A.C.R. 11, 138; A.C.R. 12,

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ASSEMBLY STANDING RULES

AND THE

JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

OF THE

SIXTY-SEVENTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

1993

ASSEMBLY STANDING RULES

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

1

Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under his supervision.

2. Possessing the powers and performing the duties described in this rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) Preserve order and decorum and have general direction of the chamber of the Assembly and the approaches thereto, and in the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(c) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in his place, to assign the reason for his decision.

(d) Have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond one legislative day.

(e) When the Assembly resolves itself into Committee of the Whole, name a chairman to preside thereover and call him to the chair.

(f) Have the power to accredit the persons who act as representatives of the press, radio and television, and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpenas issued by the Assembly or any committee thereof.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or resolution, but he shall not be required to vote in ordinary legislative proceedings except where his vote would be decisive. In all aye and no votes, the Speaker's name shall be called last.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new speaker.

[Statutes of Nevada 1975, 1912]

2

Reserved.

3

Reserved.

4

Reserved.

5

Reserved.

6

Reserved.

[Statutes of Nevada 1973, 1886; R 1985, 2315]

The next rule is 10.

II. SESSIONS AND MEETINGS

10

Time of Meeting.

The Assembly shall meet each day at 11 a.m., unless the Assembly adjourns to some other hour.

[Statutes of Nevada 1975, 1857]

11

Open Meetings.

All meetings of the Assembly and its standing committees shall be open to the public.

[Statutes of Nevada 1975, 1907]

12

Reserved.

The next rule is 20.

III. DECORUM AND DEBATE

20

Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the

Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the Speaker, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the Speaker shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the Speaker.

[Statutes of Nevada 1973, 1886; A 1993, 2913]

21

Reserved.

22

Reserved.

23

Committee on Ethics; Legislative Ethics.

1. The Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Two qualified electors of the state chosen by the members of the committee who are appointed pursuant to paragraphs (a) and (b), neither of whom is a present or former member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint two members of the Assembly, one from the majority political party and one from the minority political party to serve as alternate members of the committee. If a member is disqualified, the alternate appointed from the same political party shall serve as a member of the committee during the consideration of a specific question.

3. A member is disqualified if he is the requester of advice concerning a question of ethics or conflict of interest, or if the advice is requested by another member of the Assembly and a reasonable person in his situation could not exercise independent judgment on the matter in question.

4. The committee shall hear complaints on alleged breaches of ethics and conflicts of interest, brought by Legislators and others, and it may advise Legislators on questions of breaches of ethics and conflicts of interest. All proceedings by the committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the opinion of the committee at any time after his hearing; or

(c) Discloses the content of an advisory opinion issued to him by the committee.

5. A complaint which alleges a breach of ethics or a conflict of interest must be in writing and signed by the person making the allegation. The complaint must be filed with the chairman and he shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

6. The criterion to be applied by the committee in determining whether a Legislator has a conflict of interest is whether the independence of judgment of a reasonable person in his position upon the matter in question would be materially affected by:

(a) His acceptance of a gift or loan; or

(b) His private economic interest.

7. A Legislator who determines that he has a conflict of interest may vote upon, advocate or oppose any measure as to which a potential conflict exists if he makes a general disclosure of the conflict. In determining whether to vote upon, advocate or oppose the measure, the Legislator should consider whether:

(a) The conflict impedes his independence of judgment;

(b) His participation will produce a negative effect on the public's confidence in the integrity of the Legislature;

(c) His participation is likely to have any significant effect on the disposition of the measure; and

(d) His interest is greater than the interests of an entire class of persons similarly situated.

[Statutes of Nevada 1977, 1706; A 1987, 2325, 2336]

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

30

Manner of Voting.

1. The Speaker shall declare all votes but the ayes and noes shall be taken when called for by three members present, and the names of those calling for the ayes and noes shall be entered in the Journal by the Chief Clerk.

2. The Speaker shall call for ayes and noes by a division or by a roll call, either electronic or oral.

3. When taking the ayes and noes on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the ayes and noes by oral roll call, the Chief Clerk shall take the names of members alphabetically except that the Speaker shall be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The ayes and noes shall not be taken with the electronic roll call

system until all members present are at their desks. The Speaker and the Speaker pro Tempore may vote at their desks or at the rostrum.

7. Only a member, certified by the Committee on Credentials of the Assembly, may cast a vote in the Assembly. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

[Statutes of Nevada 1975, 1879]

31

Reserved.

32

Announcement of the Vote.

1. A member may change his vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

[Statutes of Nevada 1975, 1876]

33

Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

[Statutes of Nevada 1973, 1887]

The next rule is 40.

V. LEGISLATIVE BODIES

40

Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, thirteen members.
2. Judiciary, fifteen members.
3. Taxation, eleven members.
4. Education, eleven members.
5. Elections and Procedures, eleven members.
6. Natural Resources, Agriculture and Mining, eleven members.
7. Labor and Management, eleven members.
8. Transportation, nine members.
9. Commerce, thirteen members.
10. Health and Human Resources, eleven members.
11. Government Affairs, fourteen members.

[Statutes of Nevada 1975, 1857; A 1977, 1728; 1981, 2059, 2064; 1983, 2103; 1985, 2315; 1987, 2326, 2399; 1989, 2204; 1991, 2479; 1993, 2915, 2967]

41

Appointment of Committees.

Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chairman and vice chairman of each committee.

To facilitate the full participation of the members during the adjournment required by NRS 218.115, the Speaker may temporarily appoint a member to a standing committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

[Statutes of Nevada 1973, 1903; A 1977, 1707; 1985, 2314; 1993, 2916]

42

Committee Action.

The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this rule. Motions may be moved, seconded and passed by voice vote by a simple majority of those present, except that definite action on a bill or resolution will require a majority of the entire committee. A two-thirds majority of all the committee is required to reconsider action on a bill or resolution. Committee introduction requires concurrence of two-thirds of the committee and does not imply commitment to support final passage. The Chairman shall vote on all final action regarding bills or resolutions. No member of the committee may vote by proxy under any circumstances.

[Statutes of Nevada 1973, 1903]

43

Subcommittees.

Subcommittees made up of committee members may be appointed by the chairman to consider and report back on specific subjects or bills.

[Statutes of Nevada 1973, 1903]

44

Committee on Elections and Procedures.

The Committee on Elections and Procedures has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attachés and employees of the Assembly not otherwise provided for by law. It may suspend or remove any such attaché or employee for incompe-

tency or dereliction of duty. It shall function as the Committee on Rules and as the Committee on Credentials of the Assembly.

[Statutes of Nevada 1973, 1885; A 1977, 1707; 1981, 2059, 2171; 1985, 2316; 1991, 2480; 1993, 2916]

45

Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Standing Committee on Elections and Procedures. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its recommendation on which candidate should be declared elected. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment. If the recommendation is accepted, the Speaker shall declare the recommended candidate elected. If the recommendation is rejected, the Assembly shall consider immediately whether to declare another candidate elected. The Speaker shall not adjourn the Assembly until it has declared a candidate to be elected.

4. The Speaker shall inform the Governor of the identity of the candidate declared to be elected by the Assembly.

[Statutes of Nevada 1973, 1885; R 1987, 2326; Readopted 1989, 2204; A 1991, 2480; 1993, 2917]

46

Committee Action on Reports.

Committee reports shall be adopted at a committee session actually assembled and meeting as a committee with a quorum present. Every committee vote on a matter pertaining to a bill or resolution shall be recorded. The vote may be taken by roll call at the discretion of the chairman.

[Statutes of Nevada 1973, 1903]

47

Committee Records.

The chairman of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there shall be entered:

1. The time and place of each meeting;
2. The attendance and absence of members;
3. The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and
4. The subjects or measures considered and action taken.

[Statutes of Nevada 1973, 1903]

48

Disposition of Committee Records.

All minutes, records and documents in the possession of committees and their chairman shall be filed in the offices of the Legislative Counsel Bureau upon adjournment sine die.

[Statutes of Nevada 1973, 1904]

49

Committee Hearings.

Public hearings shall be held on important bills and other matters of high public interest. Presence of a quorum of the committee is desirable but not required. Public hearings are opened by the chairman who announces the subject under consideration and provides for those wishing to address the committee to be heard. These persons shall rise in an order determined by the chairman, address the chair, furnish their names, addresses and firms or other organizations represented. Committee members may address the chairman for permission to question the witness. When all persons present have been heard, the chairman may declare the public hearing closed on the matter before proceeding to other matters.

[Statutes of Nevada 1975, 1914]

50

Reserved.

51

Reserved.

52

Concurrent Referrals.

When a bill or resolution is referred to two committees the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and

then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation immediately to the second committee.

[Statutes of Nevada 1975, 1909; A 1987, 2326; 1989, 2205]

The next rule is 60.

VI. RULES GOVERNING MOTIONS

60

Entertaining.

No motion shall be debated until the same be distinctly announced by the Speaker; and it shall be reduced to writing, if desired by the Speaker or any member, and be read by the Chief Clerk before the same shall be debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

[Statutes of Nevada 1973, 1889]

61

Reserved.

62

Reserved.

PARTICULAR MOTIONS

63

Reserved.

64

Reserved.

65

Indefinite Postponement.

When a question is postponed indefinitely, the same shall not be considered again during the session and the question shall not be subject to a motion for reconsideration.

[Statutes of Nevada 1973, 1889]

66

To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution shall not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

[Statutes of Nevada 1973, 1889]

67

Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

[Statutes of Nevada 1973, 1889]

68

To Reconsider—Precedence Of.

A motion to reconsider shall have precedence over every other motion, except a motion to adjourn, or to fix the time to which to adjourn; and when the Assembly adjourns, while a motion to reconsider is pending, or before passing the order of Motions and Resolutions, the right to move a reconsideration shall continue to the next day of sitting. No notice of reconsideration of any final vote shall be in order on the day preceding the last day of the session.

[Statutes of Nevada 1973, 1890]

The next rule is 80.

VII. DEBATE

80

Speaking on Question.

No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

[Statutes of Nevada 1973, 1890]

81

Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

[Statutes of Nevada 1973, 1890]

The next rule is 90.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

90

Mason's Manual.

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Assembly in all cases in which they are applicable and in which they are not inconsistent with the Standing Rules and orders of the Assembly, and the Joint Rules of the Senate and Assembly.

[Statutes of Nevada 1973, 1890]

91

Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of two-thirds of the members elected, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members present.

[Statutes of Nevada 1973, 1890]

92

Notices of Bills, Topics and Public Hearings.

All committees shall provide notice of public hearings on bills, resolutions or topics of high public importance at least 5 calendar days before such hearings. Notice shall also be provided for all other committee meetings at least 24 hours in advance of such meetings. Notices in all cases shall include the date, time, place and agenda to be covered and shall be posted conspicuously in the legislative building, appear in the daily history and be made available to the press.

The noticing requirements of this rule may be suspended for emergency situations but only after approval by a two-thirds vote of a committee.

[Statutes of Nevada 1975, 1915]

93

Reserved.

94

Privilege of the Floor and Lobbying.

No person, except Senators, former Assemblymen and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this rule.

[Statutes of Nevada 1973, 1891; A 1983, 2152]

95

Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon an Assemblyman's desk shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This rules does not apply to books containing the legislative bills and resolutions, the legislative daily histories, the legislative daily journals or Legislative Counsel Bureau material.

[Statutes of Nevada 1973, 1891]

96

Peddling and Soliciting.

Peddling, begging and soliciting are strictly forbidden in the Assembly Chamber, and in the lobby, gallery and halls adjacent thereto, and no part of said chamber or halls shall be used for, or occupied by signs or other devices for any kind of advertising.

[Statutes of Nevada 1973, 1891]

97

Petitions and Memorials.

Petitions, memorials and other papers addressed to the Assembly, shall be presented by the Speaker, or by a member in his place. A brief statement of the contents thereof shall be made verbally by the introducer. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

[Statutes of Nevada 1973, 1891]

98

Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

[Statutes of Nevada 1973, 1891]

99

Remarks.

It shall be in order for members to make remarks and to have such remarks entered in the Journal.

[Statutes of Nevada 1973, 1891]

100

Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly shall be as follows:

1. The Constitution of the State of Nevada.
2. The Statutes of the State of Nevada.
3. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.
4. Mason's Manual of Legislative Procedure.

[Statutes of Nevada 1973, 1891]

101

Reserved.

[Statutes of Nevada 1987, 2327; R 1989, 2206]

102

Reserved.

103

Reserved.

B. BILLS

104

Reserved.

[Statutes of Nevada 1973, 1883; A 1973, 1911; R 1983, 2106]

105

Substitute Bills.

A substitute bill shall be deemed and held to be an amendment, and treated in all respects as such. However, a substitute bill may be amended after its adoption, in the same manner as if it were an original bill.

[Statutes of Nevada 1973, 1893]

106

Skeleton Bills.

The introduction of skeleton bills is authorized after the beginning of a session when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed. The committee, if it treats the skeleton bill favorably, shall then request the draft of a completed bill in such detail as would afford the committee the opportunity of considering the legislative ideas proposed in context with all their necessary ramifications.

[Statutes of Nevada 1973, 1893]

107

Reserved.

[Statutes of Nevada 1973, 1893; R 1985, 2316]

108

Reserved.

[Statutes of Nevada 1985, 2316; R 1987, 2327]

109

Reading of Bills.

The Speaker shall announce at each reading of a bill whether it be the first, second or third reading. The first reading of a bill shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

[Statutes of Nevada 1973, 1894]

110

Second Reading and Amendment of Bills.

All bills shall be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be engrossed and placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered, copied and made available to all members shall be moved and voted upon by number unless any member moves that it be read in full. Assembly bills so amended shall be reprinted, engrossed, and placed on the General File, and Senate bills so amended shall be reprinted, reengrossed, and placed on the General File.

Any member may move to amend a bill during its second or third reading, and such motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading shall be treated the same as bills with committee amendments. Any bill so amended upon the General File shall be reprinted and reengrossed.

The reprinting of amended bills may be dispensed with only in accordance with the provisions of law.

[Statutes of Nevada 1975, 1915]

111

Consent Calendar.

1. On or before the 80th calendar day of a regular session, a standing

committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the consent calendar. The question of recommending a bill for the consent calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended. If the bill is an Assembly bill, it must be engrossed upon receipt by the Chief Clerk of the committee's recommendation.

2. The Chief Clerk shall maintain a list of bills recommended for the consent calendar. The list must be printed in the daily history and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. Unless postponed by motion, the consent calendar must be considered on Monday and Thursday. A bill reported on Friday to Monday, inclusive, is eligible to be considered on the following Thursday; a bill reported on Tuesday to Thursday, inclusive, is eligible to be considered on the following Monday.

4. At any time before the presiding officer calls for a vote on the passage of the consent calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he objects to the inclusion of a particular bill on the consent calendar. If a member so objects, the Chief Clerk shall remove the bill from the consent calendar and transfer it to the second reading file. A bill removed from the consent calendar may not be restored to that calendar.

5. During floor consideration of the consent calendar, members may ask questions and offer explanations relating to the respective bills.

6. When the consent calendar is brought to a vote, the bills remaining on the consent calendar must be read by number and summary and the vote must be taken on their final passage as a group.

[Statutes of Nevada 1977, 1660; A 1987, 2328]

112

Reserved.

113

General File.

All bills reported to the Assembly, by either standing or special committees, after receiving their second readings shall be placed upon a General File, to be kept by the Chief Clerk. No bill shall be considered by the Assembly until the regular order of business shall have been gone through. Then bills shall be taken from the General File and acted upon in the order in which they were reported, unless otherwise specially ordered by the Assembly. But engrossed bills shall be placed at the head of the file, in the order in which they are received. The Chief Clerk shall post, in a conspicuous place in the chamber, a daily statement of the bills on the General File, setting forth the order in which they are filed, and specifying the alterations arising

from the disposal of business each day. He shall likewise post notices of special orders as made.

[Statutes of Nevada 1973, 1895]

114

Reserved.

115

Reconsideration of Vote on Bill.

On the first legislative day that the Assembly is in session succeeding that on which a final vote on any bill or resolution has been taken, a vote may be reconsidered on the motion of any member. Notice of intention to move such reconsideration shall be given on the day on which such final vote was taken by a member voting with the prevailing party. It shall not be in order for any member to move a reconsideration on the day on which such final vote was taken, except by unanimous consent. But there shall be no reconsideration of a vote on a motion to indefinitely postpone. Motions to reconsider a vote upon amendments to any pending question may be made at once.

[Statutes of Nevada 1973, 1895]

116

Reserved.

117

Reserved.

C. RESOLUTIONS

118

Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions shall be identical to that of enacting bills. However, joint resolutions proposing amendments to the Constitution shall be entered in the Journal in their entirety.

[Statutes of Nevada 1973, 1895]

119

Reserved.

120

Order of Business.

The Order of Business must be as follows:

1. Roll Call.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.

6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

[Statutes of Nevada 1973, 1895; A 1977, 1660; 1985, 2316; 1987, 2328; 1989, 2206]

121

Reserved.

122

Privileged Questions.

Privileged questions shall have precedence of all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.
2. Motions to adjourn.
3. Questions relating to the rights and privileges of the Assembly or any of its members.
4. A call of the House.
5. Motions for special orders.

[Statutes of Nevada 1973, 1896]

123

Privilege of Closing Debate.

The author of a bill, resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

[Statutes of Nevada 1973, 1896]

124

Reserved.

125

Reserved.

126

Vetoed Bills.

Bills which have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same, shall be taken up and considered immediately upon the coming in of the message transmitting the same, or shall become the subject of a special order, and when the message is

received, or (if made a special order) when the special order is called, the said message or statement shall be read together with the bill or bills so disapproved or vetoed; and the message and bill shall be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon save as provided by law and custom, that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall first have been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill shall be entered upon the Journal of the Assembly. The consideration of a vetoed bill, and the objections of the Governor thereto, shall be a privileged question, and shall take precedence over all others.

[Statutes of Nevada 1973, 1896]

127

Reserved.

128

Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

140

Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees shall be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

[Statutes of Nevada 1973, 1897]

141

Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

[Statutes of Nevada 1973, 1897]

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JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

1

COMMITTEES OF CONFERENCE

To Be Appointed by One House at Request of the Other.

In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairmen and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, new bills or resolutions, or other changes as it sees fit. New bills or resolutions so reported shall be treated as amendments unless the bills or resolutions are composed entirely of original matter, in which case they shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be.

The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment. If either House refuses to adopt the report, or if the first conference committee has so recommended, a second conference committee may be appointed. No member who served on the first committee may be appointed to the second.

There shall be but two committees of conference on any bill or resolution. A majority of the members of a committee of conference from each House must be members who voted for the passage of the bill or resolution.

[Statutes of Nevada 1947, 872; A 1977, 1697; 1979, 1964]

2

MESSAGES

Procedure Concerning.

Proclamations by the Governor convening the Legislature in extra session shall, by direction of the presiding officer of each House, be read immediately after the convening thereof, filed and entered in full upon the Journal of proceedings.

Whenever a message from the Governor is received, the Sergeant at Arms will announce: "Mr. President, or Mr. Speaker, the Secretary of the Governor is at the bar." The secretary will, upon being recognized by the presiding officer, announce: "Mr. President, or Mr. Speaker, a message from His Excellency, the Governor of Nevada, to the Honorable, the Senate or Assembly," and hand same to the Sergeant at Arms for delivery to the Secretary of the Senate or Chief Clerk of the Assembly. The presiding officer will direct the biennial message of the Governor to be received and read, and all special messages to be received, read and entered in full upon the Journal of proceedings.

Messages from the Senate to the Assembly shall be delivered by the Secretary or Assistant Secretary, and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or Assistant Clerk, who shall be announced by the doorkeeper, enter within the bar, announce and deliver his message.

[Statutes of Nevada 1931, 466]

3

BILLS

Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, in writing, signed by the Secretary or Clerk of the House from which such notice is sent.

[Statutes of Nevada 1931, 410]

4

BILLS AND JOINT RESOLUTIONS

Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after announcement is made of their intention to do so, sign it in open session and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

[Statutes of Nevada 1931, 467; A 1977, 1656]

5

Reserved.

[Statutes of Nevada R 1979, 1964]

6

PRINTING

Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other

printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

[Statutes of Nevada 1920-21, 410; A 1977, 1657; 1979, 1964; 1983, 2108; 1991, 2476]

7

RESOLUTIONS

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these joint rules.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(d) Express facts, principles, opinion and purposes of the Senate and Assembly.

(e) Establish a joint committee of the two Houses.

(f) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to:

(a) Memorialize a former member of the Legislature or other notable or distinguished person upon his death.

(b) Congratulate or commend any person or organization for a significant and meritorious accomplishment, but any request for drafting the resolution must be approved by the Senate Committee on Legislative Affairs and Operations or the Assembly Committee on Elections and Procedures before submission to the Legislative Counsel.

[Statutes of Nevada 1963, 1452; A 1977, 1657; 1979, 2036; 1989, 2201; 1993, 2903]

8

VETOES

Special Order.

Bills which have passed a previous Legislature, and which are transmitted to the Legislature next sitting, accompanied by a message or statement of the

Governor's disapproval, or veto of the same, shall become the subject of a special order; and when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the message and bill shall be read by the Clerk without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

[Statutes of Nevada 1920-21, 410]

9

ADJOURNMENT

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

3. In addition to any adjournment taken pursuant to subsection 2, after the first 19 calendar days of a regular legislative session, the Legislature shall adjourn until the 36th calendar day of the regular session in accordance with NRS 218.115. During this adjournment, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall hold hearings in both the mornings and afternoons to consider the budgets of the major agencies of the state. The two committees shall, when practicable, meet jointly while maintaining majorities of both committees. During this adjournment all other standing committees may hold hearings at any place in the state on legislative measures or on any general topic which is pertinent to possible legislative action.

4. During the adjournment taken pursuant to subsection 3:

(a) Notwithstanding the provisions of Senate Standing Rule No. 92 and Assembly Standing Rule No. 92, an agenda may be revised by the chairman of a committee to add or delete any item at any time on the day before the meeting. The revised agenda must be posted at the place of the meeting, and must appear in the daily history when the Legislature reconvenes.

(b) Actions taken by committees have the same effect as actions taken while the Legislature is in session.

[Statutes of Nevada 1920-21, 410; A 1977, 1698; 1991, 2477; 1993, 2904]

10

EXPENDITURES FROM THE LEGISLATIVE FUND

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a Concurrent Resolution regularly adopted by the Senate and Assembly.

[Statutes of Nevada 1955, 956]

11

LEGISLATIVE COMMISSION

1. When members of the minority party in the Senate or in the Assembly comprise less than 34 percent of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than 21 percent.

(b) Two, if such membership is between 21 percent and 33 percent.

If the members of the minority party in the Senate or in the Assembly comprise more than 33 percent of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the chairman of the commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218.660, notwithstanding that their terms of office may have expired, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this rule.

6. The chairman shall be selected at the first meeting of the newly

formed Legislative Commission and shall serve until his successor is appointed following the formation of the next Legislative Commission.

[Statutes of Nevada 1975, 1959; A 1977, 1719; 1981, 2147]

12

RECORDING COMMITTEE PROCEEDINGS ON AUDIO TAPE

1. Each standing committee of the Legislature shall record on audio tape the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each tape with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the tape was recorded;

(b) Keep the tapes in chronological order; and

(c) Deposit the tapes immediately following the final adjournment of any regular or special session of the Legislature with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Index the tapes;

(b) Make the tapes available for listening by any person during office hours under such reasonable conditions as he may deem necessary;

(c) Maintain a log as a public record containing the date, time, name and address of any person listening to any tapes and identifying the tapes listened to; and

(d) Retain the tapes for two bienniums and at the end of that period dispose of the tapes in any manner he deems reasonable.

[Statutes of Nevada 1979, 2012]

13

REAPPORTIONMENT

The Committee on Government Affairs of the Senate and the Committee on Elections and Procedures of the Assembly are respectively responsible for measures which primarily affect the designation of the districts from which members are elected to the Legislature. Any request for research concerning the population of proposed districts must be submitted to the Research Division of the Legislative Counsel Bureau through one of these committees.

[Statutes of Nevada 1981, 2068; A 1993, 2906]

14

LIMITATION ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

1. Except as otherwise provided in subsection 2, any request submitted, after a regular legislative session has convened, to the Legislative Counsel

for the drafting of a bill or resolution will not be honored by the Legislative Counsel unless the request is approved by:

(a) A two-thirds vote of the members present in the House where it is to be introduced; or

(b) A standing committee of that House if the request was approved by two-thirds of all of the members of the committee before the request was submitted to the Legislative Counsel. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

2. After a regular legislative session has convened, the Legislative Counsel shall honor not more than 5 requests from each Assemblyman and not more than 10 requests from each Senator for the drafting of a bill or resolution which has not received the approval required by subsection 1.

3. After the first 10 calendar days of a regular legislative session, bills and joint resolutions may be introduced by:

(a) Standing committees without consent. A measure introduced by a standing committee must indicate the person or organization at whose request the measure was drafted.

(b) Except as otherwise provided in subsection 4, a member who had requested the drafting of the bill or resolution by the Legislative Counsel before the 11th calendar day of the legislative session.

4. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the executive branch of state government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by interim legislative studies.

(c) Bills and joint resolutions requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills and joint resolutions requested by or on behalf of a standing committee must be introduced by that committee.

5. Simple and concurrent resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

6. If two or more measures are being considered in the same house which are substantially duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

7. A legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

8. Consent to suspend this rule may be given only by the affirmative vote of a majority of the members elected to the House where it is to be introduced, which must be entered in its Journal for that day, and the consent may apply to no more than one bill or resolution or request for drafting.

[Statutes of Nevada 1983, 2101; A 1989, 2202, 2361; 1991, 2577; A 1993, 3124]

15

CONTINUATION OF LEADERSHIP OF THE SENATE AND ASSEMBLY DURING THE INTERIM BETWEEN SESSIONS

1. Except as otherwise provided in subsections 2 and 3, the tenure of the President pro Tem, Majority Leader and Minority Leader of the Senate and the Speaker, Speaker pro Tem, Majority Leader and Minority Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Senators designated to be the President pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session of the Legislature if the Senator formerly holding the respective position is no longer a Legislator.

3. The Assemblymen designated to be the Speaker, Speaker pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

[Statutes of Nevada 1985, 2404; A 1987, 2335]

16

TIME LIMITATIONS ON INTRODUCTION OF LEGISLATION REQUESTED BY STATE OR LOCAL GOVERNMENT

1. Except as otherwise provided in subsection 2, on the first legislative day, the Legislative Counsel shall randomly deliver, in equal amounts, all legislative measures drafted at the request of any state agency or department or any local government to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction. Bill drafts delivered pursuant to this subsection may not be introduced after the 15th legislative day.

2. Any legislative measure properly requested in accordance with NRS 218.241 and 218.245 by any state agency or department or any local government which has not been drafted before the first legislative day must, upon completion, be immediately and randomly delivered, in equal amounts, by the Legislative Counsel to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction. Bill drafts delivered pursuant to this subsection may be introduced only during the 15 legislative days following delivery.

[Statutes of Nevada 1989, 2366]

17

DATE OF FIRST JOINT BUDGET HEARING

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the state must be held on or before the 92nd calendar day of the regular session.

[Statutes of Nevada 1991, 2478, 2597]

18

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this state to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this state;
2. The extent to which coverage for the treatment or service is currently available;
3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;
4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this state;
5. The effect the required coverage will have on the cost of health care provided in this state; and
6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

[Statutes of Nevada 1991, 2510; A 1993, 2909]

19

INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

[Statutes of Nevada 1991, 2628; A 1993, 2909]

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